

Planning Committee

Date: **5 May 2021**

Time: **2.00pm**

Venue **Virtual**

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

Conservation Advisory Group Representative

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

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AGENDA

128 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.

129 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 7 April 2021 have been circulated separately.

130 CHAIR'S COMMUNICATIONS

131 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on Thursday 29 April 2021.

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

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

133 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 | BH2014/00331 - 50 Heath Hill Avenue - Deed of Variation | 1 - 8 |
| B | BH2020/01968 - Land & Buildings on Wellington Rd & Camden St, & Former Flexer Sacks Factory on North St, Portslade - Hybrid Planning Application | 9 - 68 |

MINOR APPLICATIONS

- | | | |
|---|--|-----------|
| C | BH2021/00537 - 28-29 George Street, Hove - Full Planning | 69 - 84 |
| D | BH2021/00654 - Ground Floor Flat, 14 Fourth Avenue, Hove - Full Planning | 85 - 96 |
| E | BH2021/00037 - Land to the of North of 11 Grand Avenue, Hove - Full Planning | 97 - 110 |
| F | BH2020/03793 - 62 St Georges Road, Brighton - Change of Use | 111 - 128 |
| G | BH2021/00528 - Grange Court, 91 Payne Avenue, Hove - Full Planning | 129 - 146 |
| H | BH2021/00799 - Coombe Lea, Grand Avenue, Hove - Full Planning | 147 - 162 |

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

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

INFORMATION ITEMS

135 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 163 - 164

(copy attached).

136 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

137 APPEAL DECISIONS 165 - 166

(copy attached).

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

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

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

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FURTHER INFORMATION

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

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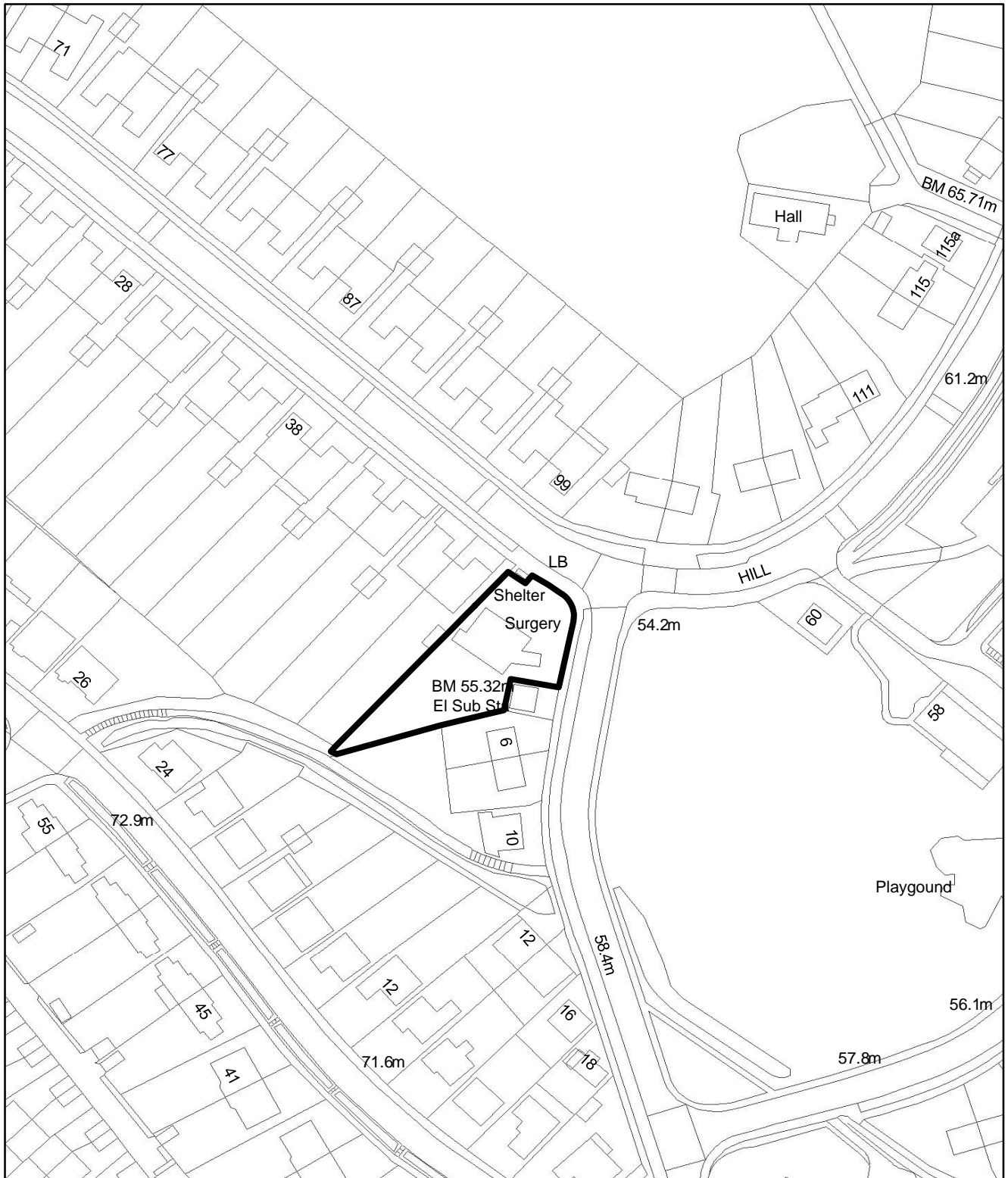
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- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
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ITEM A

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

DATE OF COMMITTEE: 5th May 2021

BH2014/00331 50 Heath Hill Avenue, Brighton



**Brighton & Hove
City Council**

Scale: 1:1,250

Subject:	50 Heath Hill Avenue, Brighton, Request to vary Unilateral Undertaking in connection with planning permission BH2014/00331.		
Date of Meeting:	5 May 2021		
Report of:	Executive Lead Officer – Strategy Governance & Law		
Contact Officer:	Name:	Luke Austin	Tel: 01273 294495
	Email:	luke.austin@brighton-hove.gov.uk	
Ward(s) affected:	Moulsecoomb and Bevendean		

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

- 2.1 That the S106 Head of Terms be amended in order to remove the requirement for a replacement doctor's surgery to be provided.

3. BACKGROUND INFORMATION

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

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

- 3.2 The granting of permission was subject to a Unilateral Undertaking agreement containing the following Head of Term (amongst others) as set out in the original Committee Report:

- Provision of a temporary replacement doctor's surgery

- 3.3 The original application (**BH2012/03818**) for the demolition of the doctor's surgery and the erection of a new Purpose-Built Student Accommodation (PBSA) building containing 19 student rooms was allowed at appeal in November 2013. A later application (**BH2014/00331**) was submitted to alter the

earlier permission by way of increasing the number of rooms to 24. As set out above, this application was refused at committee but later allowed at appeal.

- 3.4 The permission was part implemented in November 2016 with the demolition of the pre-existing doctor's surgery so the permission remains extant. No further works have taken place since and the site is currently vacant.
- 3.5 The applicant sought agreement from members in February 2021 to vary the Heads of Terms to remove the requirement to replace the doctor's surgery, and to remove the requirement of the PBSA to be managed by either the University of Brighton or Sussex, and to be occupied by students of each respective university.
- 3.6 Members refused the requested variation relating to the occupation and management of the PBSA on the basis that insufficient evidence had been provided to demonstrate that part 6 of Policy CP21 could be complied with. No objections were raised to the request to remove the requirement for a replacement doctor's surgery to be provided.
- 3.7 This request exclusively seeks for the removal of the requirement for a replacement doctor's surgery to be provided.

4. PROPOSAL

- 4.1 The developer wrote to the Council on 18 March 2021 seeking to amend the Unilateral Undertaking in order to remove the requirement for a temporary replacement doctor's surgery to be provided in association with application **BH2014/00331**.

5. COMMENT

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

additional surgery at this site and there are no plans to commission additional health services in the vicinity of the site.

- 5.4 Given the fact that the surgery has been demolished for over four years with no harmful impact of the surrounding area, the removal of the requirement for a temporary replacement surgery is considered acceptable.
- 5.5 Based on the points set out above, the removal of clause 3 is considered acceptable and would accord with the priorities of policy HO20 of the Brighton and Hove Local Plan.

6. BACKGROUND DOCUMENTS

Planning Applications **BH2014/00331** and **BH2012/03818**.

Appeal Decision **APP/Q1445/A/13/2200971 (BH2012/03818)**.

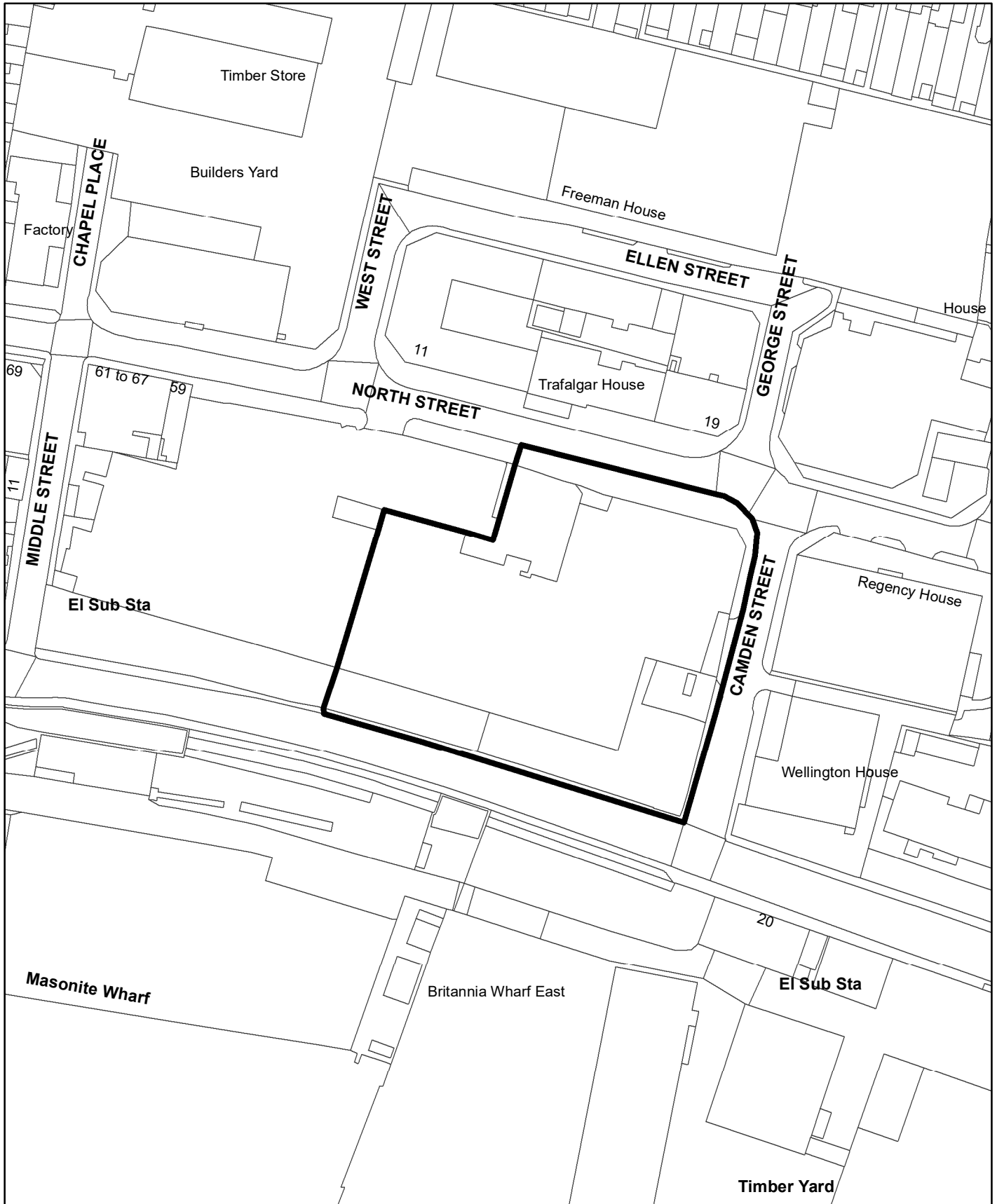
Appeal Decision **APP/Q1445/W/14/3001891 (BH2014/00331)**.

ITEM B

**Land and Buildings on Wellington Road and
Camden Street and Former Flexer Sacks
Factory on North Street
BH2020/01968
Full Planning**

DATE OF COMMITTEE: 5th May 2021

BH2020 01968 - Land And Buildings On Wellington Road And Camden Street And Former Flexer Sacks Factory On North Street



N



Scale: 1:1,250

<u>No:</u>	BH2020/01968	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land And Buildings On Wellington Road And Camden Street And Former Flexer Sacks Factory On North Street Portslade		
<u>Proposal:</u>	Hybrid Planning Application for demolition of existing buildings to facilitate the erection of a mixed use redevelopment comprising: Full Planning Application (Phase 1) for a building providing part ground & part mezzanine office floorspace (B1) with residential units (C3) above, including associated parking, amenity space & green corridor; & Outline Planning Application (Phase 2 & 3) for a development within new buildings to include residential units (C3), office floorspace (B1) & leisure use (D2), & associated plant, basement car parking & amenity space. (Access only for approval, all other matters reserved). (For information: Full Planning Application to provide 65no residential units & 423sqm office floorspace in part 10, part 11 storey building. Outline application to provide up to 71no residential units, up to 4646sqm office floorspace & up to 995sqm flexible office/leisure floorspace in buildings ranging in height from 3 to 10 storeys).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	03.08.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	02.11.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Planning Resolution Ltd Leatherhead KT22 8JB	Thorncroft Manor	Thorncroft Drive
<u>Applicant:</u>	Luna Group East Sussex Ltd C/O Planning Resolution Ltd Thorncroft Manor Thorncroft Drive Leatherhead KT22 8JB		

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:

S106 Heads of Terms (Phase 1)

Affordable Housing:

- Secure a minimum of 40% of the development as Affordable Housing

Artistic Component

- Provision to the value of £62,000 to be provided as a phased provision, with demonstration to how the overall artistic uplift is to be delivered as part of the development across the whole site

Employment and Training

- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.
- £19,700 (for residential development) developer contribution toward the Council's Local Employment Scheme

Highway Works

- Works to Camden Street to promote pedestrian activity; marked out loading / servicing bay as well as disabled parking bays.
- Works to Wellington Road to provide pedestrian crossings over proposed vehicle accesses, interim Sustainable Transport Corridor scheme, and to northern footway.
- Works to North Street to provide pedestrian crossing, new loading bay, and to southern footway.
- Other reasonable works including pavement reinstatements, road markings street furniture, Traffic Regulation Orders, and other statutory orders.
- Travel Plan
- Residential Travel Plan - to promote safe, active, and sustainable travel choices by its future occupiers and visitors.
- Employment Travel Plan - to promote safe, active, and sustainable travel choices by its future occupiers and visitors. The Travel Plans to include the following:
 - Travel Pack for new residents
 - Incentives to purchase tickets/memberships for local transport
 - Promotional information and facilities for cyclists
 - Information on sustainable transport options
 - Transport notice board

(Phase 2 & 3)

Affordable Housing:

- Secure a minimum of 40% of the development as Affordable Housing

Employment and Training

- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.
- £23,700 (for residential development) developer contribution toward the Council's Local Employment Scheme
- £12,170 (for employment development) developer contribution toward the Council's Local Employment Scheme

Highway Works

- Removal of on-street disabled parking bay markings on Camden Street once the Phase 2 basement car park is constructed.

Travel Plan

- Residential Travel Plan - to promote safe, active, and sustainable travel choices by its future occupiers and visitors.

- Employment Travel Plan - to promote safe, active, and sustainable travel choices by its future occupiers and visitors.
- The Travel Plans to include the following:
 - Travel Pack for new residents
 - Incentives to purchase tickets/memberships for local transport
 - Promotional information and facilities for cyclists
 - Information on sustainable transport options
 - Transport notice board

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	(GA)100	A	25 January 2021
Proposed Drawing	(GA)101	A	25 January 2021
Proposed Drawing	(GA)102	A	25 January 2021
Proposed Drawing	(GA)103	A	25 January 2021
Proposed Drawing	(GA)104	A	25 January 2021
Proposed Drawing	(GA)105	A	25 January 2021
Proposed Drawing	(GA)106	A	25 January 2021
Proposed Drawing	(GA)107	A	25 January 2021
Proposed Drawing	(GA)108	A	25 January 2021
Proposed Drawing	(GA)109	A	25 January 2021
Proposed Drawing	(GA)110	A	25 January 2021
Proposed Drawing	(GA)111	A	25 January 2021
Proposed Drawing	(GA)301	A	25 January 2021
Proposed Drawing	(GA)302	A	25 January 2021
Proposed Drawing	(GA)303	A	25 January 2021
Proposed Drawing	(GA)402	A	25 January 2021
Proposed Drawing	(GA)403	A	25 January 2021
Proposed Drawing	(GA)404	A	25 January 2021
Proposed Drawing	(P2)102	A	25 January 2021
Proposed Drawing	(P2)107	A	25 January 2021
Proposed Drawing	(P2)111	A	25 January 2021
Proposed Drawing	(P2)300	A	25 January 2021
Proposed Drawing	(P2)301	A	25 January 2021
Proposed Drawing	(P2)302	A	25 January 2021
Proposed Drawing	(P2)303	A	25 January 2021
Proposed Drawing	(P2)304	A	25 January 2021
Proposed Drawing	(P2)401	A	25 January 2021
Proposed Drawing	(P2)402	A	25 January 2021
Proposed Drawing	(P2)403	A	25 January 2021
Proposed Drawing	(P2)404	A	25 January 2021
Proposed Drawing	(P2)99	A	25 January 2021
Proposed Drawing	(P3)100	A	25 January 2021
Proposed Drawing	(P3)102	A	25 January 2021
Proposed Drawing	(P3)104	A	25 January 2021
Proposed Drawing	(P3)107	A	25 January 2021

Proposed Drawing	(P3)111	A	25 January 2021
Proposed Drawing	(P3)300	A	25 January 2021
Proposed Drawing	(P3)303	A	25 January 2021
Proposed Drawing	(P3)401	A	25 January 2021
Proposed Drawing	(P3)402	A	25 January 2021
Proposed Drawing	(P3)404	A	25 January 2021
Proposed Drawing	(P3)99	A	25 January 2021
Proposed Drawing	(P2)104	A	25 January 2021
Proposed Drawing	(P3)304	A	25 January 2021
Proposed Drawing	(P3)403	A	25 January 2021
Block Plan	(SITE) 002		20 July 2020
Location Plan	(SITE)001		20 July 2020
Proposed Drawing	(GA)401	A	25 January 2021
Proposed Drawing	((P2)100	A	25 January 2021

2. The Phase 1 development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development, including demolition and excavation, shall commence on each of the following parcels of land:
 - a) Phase 1
 - b) Phase 2
 - c) Phase 3

until for each phase of the development a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the details approved.

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

4. No development (other than demolition works) shall commence on each of the following parcels of land:
 - a) Phase 1
 - b) Phase 2
 - c) Phase 3

until for each phase of the development, evidence has been submitted at the design stage that a BREEAM Building Research Establishment Design Stage Assessment certificate confirming that the employment development has achieved a minimum New Construction rating of “excellent” has been submitted do, 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.

5. Within 6 months of first occupation of each of the following parcels of land:
 - a) Phase 1
 - b) Phase 2

c) Phase 3

a Post Construction Review Certificate issued by a BREEAM Building Research Establishment assessor shall be submitted to and approved in writing by the Local Planning Authority confirming that the employment development built has achieved a minimum BREEAM New Construction rating of “Excellent”.

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

6. If during construction of any phase of development, contamination not previously identified is found to be present, then no further development within that phase shall be carried out (unless otherwise agreed in writing by the Local Planning Authority), 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. No development shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

until, for each phase of the development, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site;
- A site investigation scheme, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- The results of the site investigation and the detailed risk assessment referred to in the site investigation scheme and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented in full accordance with the approved details.

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

8. The following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

shall not be occupied until, for each phase of the development, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

9. Piling and investigation boreholes using penetrative methods shall not be carried out other than with the prior written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection'.

10. No development, including demolition and excavation, shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

until a scheme for each phase of the development for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes has been submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework and Position Statement of 'The Environment Agency's approach to groundwater protection'.

- 11.

- i) No development, including demolition and excavation, shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

until a programme of archaeological works in accordance with a written scheme of investigation for each phase of the development has been submitted to and approved by the Local Planning Authority.

- ii) None of the above phases of the development hereby permitted shall be brought into use until the archaeological site investigation and post – investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under (i).

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 12. No development above ground floor slab level on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

shall take place until a drainage strategy for each phase of the development, detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

- 13. No development (other than demolition works) shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

until a surface water drainage scheme for each phase of the development, using sustainable drainage methods as per the recommendations of the Flood Risk Assessment and Drainage Strategy RAB: 2385L June 2020, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 14. No development, including demolition and excavation, shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2

c) Phase 3

until a Construction Environmental Management Plan (CEMP) for each phase of the development has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The CEMP shall at least include:

- 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)
- a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- details of hours of construction including all associated vehicular movements
- a plan showing construction traffic routes
- details of any site entrances and their management, construction compound and offices
- details of any oversailing of the highway construction, falsework, formwork, and scaffolding
- details of the use of any cranes, lifts, escalators and lifting vehicles
- details of any Department for Transport Abnormal Load Notification and/or Order

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

Reason: In the interests of amenity and road safety and to comply with policies TR7, SU3, SU5, SU9, SU10, QD27 and HE6 of the Brighton & Hove Local Plan and CP1, CP2, CP3, CP7, CP9, CP11, CP12, CP13 and CP15 of the City Plan Part One.

15. None of the residential units hereby approved in each phase of the development shall be occupied until each residential unit built in that phase has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline) or its successor.
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
16. None of the residential units hereby approved in each phase of the development shall be occupied until each residential unit built within that phase 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.
17. Notwithstanding the plans hereby permitted, no development (other than demolition works) on Phase 1 shall commence on each of the following parcels of land:
 - a) Phase 1
 - b) Phase 2
 - c) Phase 3until a scheme for each phase of the development detailing the design of external areas has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of the following:

- Geometry and layout, including dimensions and visibility splays
- Pavement constructions and surfacing, kerbs, and edge restraints
- Levels and gradients, including to both sides of any interfaces with the adopted highway
- Lighting
- Drainage
- Street furniture
- Trees, other planting, growing media and planting aids
- Traffic signs and road markings.

The approved scheme shall be implemented prior to first occupation of the development.

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

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

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

19. Notwithstanding plans hereby permitted, prior to occupation of each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

full details of disabled parking facilities for each phase shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the relevant phase, and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

20. Prior to occupation of each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

a Delivery & Service Management Plan for the employment use shall be submitted and approved in writing by the Local Planning Authority for each phase of the development. The submitted plan shall include an estimate of, for the relevant phase, the number of delivery and servicing vehicles anticipated each day; the location and layout of loading/unloading/parking and drop-off

spaces/areas for those vehicles; and any other facilities to manage delivery/service arrangements including a concierge facility, gates/intercom systems, and vehicle access restrictions.

The approved Delivery and Service Management Plan shall thereafter be implemented in full, throughout the operation of the approved Phase.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, SU10, QD27 and SR4 of the Brighton & Hove Local Plan and DA8, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.

21. Other than where specified as flexible use, the employment uses 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.

22. Prior to first occupation of each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

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

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

Phase 1

23. The development hereby permitted in Phase 1 shall not commence (other than demolition works) 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.

24. The wheelchair accessible dwellings hereby permitted in Phase 1 shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be

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

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

25. No development above ground floor slab level of any part of the development hereby permitted on Phase 1 shall take place until details of/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):

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

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

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

26. No development above ground floor slab shall take place on Phase 1 until full details of commercial frontage shopfronts, windows and their reveals, cills and balconies including 1:20 scale elevational drawings and 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 policy CP12 of the Brighton & Hove City Plan Part One.

27. No development above ground floor slab level of any part of the development on Phase 1 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.

28. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external façade of the Phase 1 development.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
29. No development above ground floor slab level of any part of the development on Phase 1 hereby permitted shall take place until full details of the mitigation methods, as required set out in the submitted Environmental Noise Survey and Acoustic Design Statement Report by Hann Tucker Associates, ref. 27351/ADS1, dated 16 January 2020, for protecting the proposed residential units from the existing and representative ambient noise in the surrounding area, have been submitted to and approved by the local planning authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To safeguard the amenities of the existing properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
30. Noise associated with plant and machinery incorporated within the Phase 1 development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises shall not exceed a level equal to the existing representative L90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
31. All ecological measures and/or works in Phase 1 shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, September 2019), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified and to avoid any offences under wildlife legislation and 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.
32. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the Phase 1 site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall incorporate the recommendations made in the Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, September 2019) and shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;

- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy SH7 of the Shoreham Harbour Joint Area Action Plan.

33. Notwithstanding Design drawing 'Phase 1 Ground Floor Plan General Arrangement' dated 22 January 2021 hereby approved, prior to commencement of development of Phase 1, full details of the new vehicular access from Wellington Road, including design and safety, shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, TR18, SU10, and QD27 of the Brighton & Hove Local Plan and DA8, CP1, CP3, CP9, CP11, CP12, and CP13 of the City Plan Part One.

34. Notwithstanding plans hereby approved, prior to commencement of development of each phase of development a Stage 1 & 2 Road Safety Audit shall have been submitted to and approved in writing by the Local Planning Authority for those highway works associated with that phase of development.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, TR9, TR15, TR18 and QD27 of the Brighton & Hove Local Plan and DA8, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.

35. Phase 1 of the development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of phase 1 of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

36. Prior to occupation of phase 1 of the development hereby permitted, a scheme for landscaping of phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

37. Phase 1 of the development hereby permitted shall not be first occupied until
- i) details of external lighting of phase 1, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 9i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

38. Prior to first occupation of phase 1 of the development hereby approved, details of the photovoltaic array for that phase shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

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

39. Phase 1 of the development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments for that phase has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments

shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15, HE6 and QD27 of the Brighton & Hove Local Plan, and CP12, CP15 & CP13 of the Brighton & Hove City Plan Part One.

40. Phase 1 of the development hereby permitted shall not be occupied until full details of signage to the building and outdoor spaces, including 1:20 elevations and 1:5 sections (where appropriate), materials, colour and finishes, 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 that addresses the requirements for an artistic component and to comply with policies CP5, CP7, CP12 and CP13 of the Brighton & Hove City Plan Part One.

41. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, September 2019).

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified and to avoid any offences under wildlife legislation and 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.

42. Prior to first occupation of the Phase 1 development hereby permitted, dropped kerbs with paving and tactile paving shall have been installed at the junction of Camden Street and North Street and across Camden Street at the junction of Wellington Road and Camden Street.

Reason: To ensure that suitable footway provision is provided to and from the development (amend as necessary) and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

43. The Phase 1 development shall be carried out in accordance with the submitted daylight and sunlight report (Anstey Horne REF: SH/GI/ROL00247 dated 24/02/2021) 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.

Phases 2 & 3

44. The development of Phase 2 & 3 must be begun not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

45.

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

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

46. Prior to first occupation of the Phases 2 & 3 development hereby permitted, full details of electric vehicle charging points within the proposed Phase 2&3 car park shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

47. Notwithstanding the plans hereby permitted, no Phase 2 or Phase 3 development shall commence on site until a Scheme of Management of the vehicle and any other forms of parking in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must at least include the following measures:

- Details of how the proposal complies with SPD14 Parking Standards;
- Details of how each car parking space will be allocated and managed;
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.

The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and SPD14 Parking Standards and CP9 of the City Plan Part One.

48. Notwithstanding the shared residential amenity spaces for Phase 1 hereby approved, the landscaping plans for Phase 2/3 as part of the Reserved Matters application shall incorporate dedicated children's play space within the public realm that can be used by future occupiers of the Phase 1 development.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
6. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition(s).
7. The Highway Authority should be contacted in relation to the CEMP (s278@brighton-hove.gov.uk assigned officer phone number will be provided in e-mail response) at the earliest convenience to avoid any delay and prior to any works commencing on-site and on the adopted (public) highway.
8. 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.

9. The applicant is advised that the scheme of external works secured by the street design condition will need to be carefully coordinated with the adjoining scheme of highway works that is to be developed and approved as a planning obligation of the decision. It is anticipated that both will be submitted and approved at the same time to ensure that they are complimentary.
10. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk Tel: 01273 290729) for further information at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
11. The applicant is advised that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to and within the highway and gain any appropriate licences, prior to the commencement of any construction works. The applicant is further advised that they must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk Tel: 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience to avoid delay.
12. The applicant is advised that they must apply for a license for the proposed scaffolding on the public highway under Section 169/171 of the Highways Act 1980. The applicant is further advised to contact the Council's Highway Enforcement Team (street.licensing@brighton-hove.gov.uk Tel: 01273 292090) for further information at their earliest convenience to avoid delay.
13. The applicant is advised that once the permission has been commenced the applicant should contact the Council's Parking Infrastructure team to have the existing unrestricted section of highway converted to appropriate on-street parking spaces and loading bay. 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. The applicant should contact the Council's Parking Infrastructure team for further information (parking.infrastructure@brighton-hove.gov.uk).
14. Development commenced under general consent is liable to pay CIL. 'General consent' includes permitted development rights granted under the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). If you intend to commence development under general consent you

must submit a Notice of Chargeable Development (Form 5 - Notice of chargeable development) to the local planning authority before you commence this development. The only exception to this requirement to submit a Notice of Chargeable Development is if the development in question is less than 100 square metres of net additional 'gross internal area'. If the development meets this requirement a Notice of Chargeable Development does not have to be submitted before the commencement of development.

15. The new crossover for the Wellington Rod access as approved will require a separate planning application.

2. SITE LOCATION

- 2.1. The application relates to the eastern portion of the former Flexer Sacks site, which comprises a group of low-rise industrial buildings and open land situated on the northern side of Wellington Road (the A259) at the corner of Camden Street.
- 2.2. The former Flexer Sacks factory occupies a prominent site within the South Portslade Industrial Estate. It was vacant from 2000 but has more recently been converted into a mixed-use development. The area forming Phase 1 of the application is on the eastern part of the site fronting Camden Street, comprises a hand car wash use, with open land on the corner fronting Wellington Road that formerly housed a now-demolished public house. The Phase 1 site also includes a strip of land fronting Wellington Road. The areas forming Phases 2 & 3 of the application contain a health and well-being centre (Circle Studio), treatment rooms, events space, and a first-floor roof-top car park with a gym underneath (Underground Gym).
- 2.3. The site is located within the South Portslade Industrial Area, surrounded by predominantly B1 and B2 (commercial/industrial) uses. The wider area is mixed in character and use, with dense Victorian terraced housing, industrial uses, and the district shopping centre of Boundary Road/Station Road. The area is also mixed in scale with much redevelopment and an eroded urban realm, but with a distinctive character.
- 2.4. The south of the site overlooks Basin Road North, the Shoreham Harbour Basin port, and the River Adur. On the opposite side of Camden Street to the east is the industrial building of Wellington House fronting onto Wellington Road which is currently occupied by the Small Batch Coffee Roasters and a printing company. The site faces North Street to the north. The western part of the site and beyond to Middle Street contains the western portion of the former Flexer Sacks building, occupied as a vehicle repair centre, dance studio, and warehouse & storage units.
- 2.5. To the east of the site is the Belgrave Training Centre at Clarendon Place which has recently been the subject of planning permission granted for a residential redevelopment of 104 residential units within a new 4 - 6 storey building, and a 5 - 7 storey building. To the east of Belgrave Training Centre is the lower part

of Boundary Road, which, although not prime retail frontage, remains part of an identified District Centre in City Plan Part One.

- 2.6. There are no conservation areas or listed buildings in close proximity to the site. To the south-east are houses and warehousing at 4-16 (even), 18 and 20 Wellington Road which are Local Heritage Assets.
- 2.7. The site is within the South Portslade Industrial Area and the Shoreham Harbour Regeneration Area which is addressed in the Joint Area Action Plan (JAAP) for the Shoreham Harbour Development Area. The entirety of the site is indicated as a Key Employment Site in City Plan Part One (CPP1). This particular site (SP5) is identified in the emerging City Plan Part Two (CPP2) for employment and residential mixed-use development.
- 2.8. The site is not within an area at increased risk of flooding, but it is within an Air Quality Management Area (AQMA).

3. RELEVANT HISTORY

- 3.1. **BH2018/03629 (Belgrave Training Centre Clarendon Place)** - Demolition of existing building (D1) and erection of one part 4, 5 and 6 storey building and one part 5 and 7 storey building, with solar arrays and lift overruns, comprising 104 apartments incorporating, 11no studios, 50no one-bedroom, 39no two-bedroom, and 4no three-bedroom apartments (C3) with vehicle and cycle parking - Under Consideration (Minded to Grant subject to securing s106 agreement)
- 3.2. **BH2016/05634 (Former Flexer Sacks Site Wellington Road)** Re-build of first floor and change of use to incorporate C2/ D1 overnight treatment rooms - Approved 25/05/2017
- 3.3. **BH2015/02413 (Portslade Hand Car Wash, Camden Street)** Application for continued use of premises as hand car wash and valet service for a period of 5 years - Approved 28/10/2015
- 3.4. **BH2010/03540 (Vulcan Works, North Street - Former Flexer Sacks Site)** - Change of use of all floors to mixed use development comprising ground floor-leisure (D2) first floor - part leisure (D2) part offices (B1) part parking area. Second floor offices (B1) and second floor extension to south section comprising vertical circulation core ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations - Approved 09/06/2011
- 3.5. **BH2008/02479 (Former Flexer Sacks Building Wellington Road)** Change of use of all floors to mixed use development comprising ground floor - leisure (D2) and music and rehearsal studios (B1) first and existing second floor - offices (B1). Additional second floor to south section comprising offices (B1) and vertical circulation core (B1) to serve ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations - Approved 14/04/2009

- 3.6. **BH2006/03339 (Former Flexer Sacks North Street)** Change of use from general industrial (B2) to motorcycle workshops and showrooms (Sui Generis) with changes to front elevation (Wellington Road) & roof line - Refused 30/11/2006
- 3.7. **BH2003/01207/FP (Former Flexer Sacks Factory North Street)** Change of use of part of building (557m²) from B2 (general industrial) to B8 (Storage) and distribution (Application pursuant to refusal BH2002/3196/FP) - 30/05/2003

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for demolition of existing buildings to facilitate the erection of a mixed-use redevelopment. This is a hybrid application (full application for Phase 1 and outline application for Phases 2 & 3).

Phase 1 Proposals (Full):

- 4.2. Full planning permission at Phase 1 is sought for a building providing part ground and part mezzanine office floorspace (B1) with residential units (C3) above, along with associated parking, amenity space and a green corridor.
- 4.3. The details of the application are as follows:
- Demolition of hand car wash building;
 - Erection of part ten-, part eleven-storey building fronting Wellington Road and Camden Street;
 - Provision of 423sqm of office floorspace, part ground floor and part mezzanine level;
 - Provision of 65 residential units (Use Class C3);
 - Roof top amenity areas for residents;
 - Green corridor on Wellington Road;
 - Proposed palette of materials brick and corrugated steel;
 - Outside amenity space for future residents in the form of balconies and shared rooftop garden.

Phases 2 & 3 Proposals (Outline):

- 4.4. Outline planning permission is sought at Phase 2 & 3 for a development within two new buildings to include residential units (C3), office floorspace (B1) & leisure use (D2), & associated plant, basement car parking & amenity space.
- 4.5. The proposal is for up to 71no. residential units, up to 4646sqm office floorspace and up to 995sqm of flexible office/leisure floorspace in buildings ranging in height from 3 to 10 storeys.
- 4.6. Details for Phase 2 are as follows:
- Up to 55 residential units;
 - Provision of 3,239sqm of office employment use;
 - New vehicle and pedestrian access routes;
 - Basement car parking;

- Landscaped amenity space.
- 4.7. Details for Phase 3 are as follows:
- Up to 16 residential units;
 - Provision of 2,402sqm of office employment space;
 - Provision of 995sqm flexible office/leisure space;
 - Landscaped amenity space.
- 4.8. Only 'Access' is for approval, all other matters are reserved.

Application Amendments

- 4.9. Following receipt of consultation comments, the applicant submitted amendments to the scheme as follows:
- Public Realm alterations and increased width of east-west connection, leading to reduction in overall B1 floorspace in the scheme by 137sqm;
 - Standard of accommodation alterations, leading to increase in the number of 1 bed flats at the expense of the 2 bed 3p flats;
 - Additional 12 balconies so that all units in the scheme have access to private amenity space;
 - Creation of more space for the Green Corridor facing Wellington Road with more planting, trees, wind breaks and benches;
 - Improved development vision for community and place;
 - Minor alterations to materials.
- 4.10. The following additional information was provided during the application:
- Affordable Housing Statement
 - Updated Sunlight/Daylight report
 - Further contextual analysis
 - Historic Environment desk-based assessment
 - Addendum Transport Report and drawings
 - Updated Wind Assessment

Pre-application

- 4.11. The development has been influenced by pre-application feedback from officers, and the application has been presented to the Design Review Panel in November 2019 and February 2020. It was outlined that the retention of the Underground Gym building restricted a comprehensive re-development that would maximise the opportunities on the site. The Underground Gym site was later included to provide a holistic approach to the development site.

5. REPRESENTATIONS

- 5.1. **Cllr Leslie Hamilton** objects to the application, a copy is attached to the report.
- 5.2. Two (2) letters of representation have been received objecting to the proposed development for the following reasons:

Additional Traffic

- Not the infrastructure in place to accommodate so many flats

- Not enough bus services to serve the area

Overdevelopment

- This is a commercial area not residential area
- This is not a brownfield site

Poor design

- Building on what is in effect Sandbanks which naturally shifts which will cause cracks and movement to the development and to neighbouring buildings

Residential Amenity

- Too close to the boundary

Parking

- Many flats in Phase 1 but only 6 disabled parking spaces;
- Even if flat owners do not have cars, they will have visitors who will;
- Shops and businesses in North Street already suffer from lack of parking for their employees and customers, and this will make the parking issues worse;
- Perhaps use the space and make a car park
- Already a planning application nearby with very limited parking spaces

Noise

- Additional noise created by development

5.3. One (1) letter of representation has been received and has commented on the applications as follows:

- Worried about the ability of neighbouring building to remain unaffected while large-scale building work goes on;
- Concerned about ability to continue operating if damage happens as a result of the works and indeed the health and safety of staff and members during the process;
- Request a thorough Construction Environmental Management Plan be put in place to minimise impact throughout the process and ensure that existing tenants are not adversely affected.

6. CONSULTATIONS

External

6.1. **County Archaeologist:** Comment

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

6.2. **County Ecologist:** Comment

The site is not covered by a nature conservation designation. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site

is currently dominated by buildings and hard standing within an urban environment and is of limited ecological interest. Precautions should be taken to protect nearby aquatic environments. The measures set out in the PEA [Preliminary Ecological Assessment] Report are appropriate and should be implemented.

- 6.3. To avoid disturbance to nesting birds, any demolition of buildings that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified, and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. The mitigation measures set out in the PEA Report are appropriate and should be implemented.
- 6.4. The precautionary measures set out in the PEA for the protection of small mammals and other fauna that may be using the site are appropriate and should be implemented.
- 6.5. The recommendations made in the PEA report are appropriate and should be incorporated into an Ecological Design Strategy. In addition to the use of native species and/or species of recognised wildlife value within the landscaping scheme, it is recommended that green walls and green (biodiverse) roofs are provided. Given the location, the green roof should either be chalk grassland or coastal vegetated shingle and not sedum.
- 6.6. **Environment Agency:** Comment
No objection to the proposed development as submitted, subject to the inclusion of conditions regarding contamination and risk to controlled waters, in any permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and Environment Agency would object to the application.
- 6.7. **Scottish Gas Networks:** Comment
In the event that gas pipes are present within the site, there may be restrictions on the work being undertaken to ensure the safety of the site and the protection of the gas pipes.
- 6.8. **Southern Water:** Comment
Note that a sewer may cross site; foul sewage disposal can be provided through a separate process; developer will need to ensure unadoptable SuDS facilities are maintained to avoid flooding; hardstanding subject to fuel spillages must be drained via interceptors.
- 6.9. **SSE Telecoms:** Comment
If the applicant determines works may impact on SSE existing apparatus, then applicant should contact SSE Telecoms.
- 6.10. **Sussex Police:** Comment
Following amendments:

- Recommend that all balconies are provided with balustrades sufficiently high to deter and prevent persons from falling or climbing over the top of them.
- With regards to the green spaces within the development - careful selection of plant species is critical in order not to impede natural surveillance and avoid unnecessary high maintenance.

6.11. Initial comments:

- It will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only.
- Controlled lift access - each resident is assigned access to the floor on which their room is located via the use of a proximity reader, swipe card or key. Fire egress stairwells should also be controlled on each floor, from the stairwell into communal corridors, to reduce the risk of them being used for anti-social behaviour or criminal activities.
- The communal bicycle storage must be lit at night using vandal resistant, light fittings and energy efficient LED lights.
- Regards the proposed basement car park Sussex Police recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to this element of the application as soon as it is practicable.

6.12. **UK Power Networks:** Comment

Should the excavation affect relevant Extra High Voltage equipment, the applicant should contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.

Internal

6.13. **City Regeneration:** Comment

City Regeneration supports this application.

6.14. Should the Full Application (Phase 1) be successful, due to the size of the development and in accordance with the council's Technical Guidance for Developer Contributions, a sum of £19,700 is requested, in respect of the residential aspect of the development, as a condition of any S106 agreement and paid prior to formal site commencement.

6.15. Should the Outline application (Phase 2 & 3) be successful, a developer contribution of £23,700 in respect of the residential aspect of the development to be paid prior to formal site commencement. There is also a contribution of £12,700 in respect of the Nett Gross gain sqm in non-residential / employment space,

6.16. Also, should this application be approved, there will be a requirement, detailed through a S106 agreement, for the developer or designated contractors to submit an Employment & Training Strategy (in respect of the demolition and construction phases of the development) to the Council in writing for approval, at least one month before the intended date of formal commencement of the development.

6.17. **Environmental Health:** Comment

- 6.18. The submitted noise assessment has made detailed reference to applicable standards and guidelines. The methodology used and calculations made in the noise assessment are recognised techniques in predicting noise levels and the impact of them. To ensure that the developer complies with the information provided in the report, the above should be secured by attaching an appropriately worded condition with regards to any permission to develop.
- 6.19. With regards to contaminated land, the Environment Agency recommended conditions are suitable and sufficient.
- 6.20. **Heritage:** Comment
Revised comment following Amendments
The image of the proposed brick for the upper levels appears as quite a strident orange colour, and the heritage team has some concerns in this regard. It is considered important that this should not result in the introduction of a fourth, equally bold, brick colour however it is considered that the general solution proposed has the potential to help integrate the proposal into the surrounding townscape. The use of an unglazed brick for the upper levels is welcomed, and it is considered that the effect of the gradual grading of these with the glazed finish will produce a pleasing effect.
- 6.21. Subject to acceptable details of the specific bricks proposed being acceptable, it is considered that the amendment of the facade treatment as proposed is a positive step to better integrating the proposal and that the resulting harm should be balanced against public benefits in accordance with paragraph 196 of the NPPF.
- 6.22. **Housing Strategy:** Comment
Supported by Housing as providing 40% affordable housing in line with council policy.
- 6.23. **Planning Policy:** Comment
The level of residential dwellings is welcomed in principle as an extra contribution towards the city's housing target as set out in City Plan Policy CP1. The levels of housing and employment floorspace proposed are considered to be broadly comply with the aims of JAAP policies CA3 and SP5. The level of affordable housing proposed, and tenure is welcomed and considered to be policy compliant. Comments on this proposal are subject to detailed confirmation by the council's Urban Design, Sustainability and Housing officers.
- 6.24. **Policy (Artistic Component):** Comment
To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement.
- 6.25. **Private Sector Housing:** Comment
Some of the flats in Phase 1 are laid out so that they have inner bedroom(s). These should be avoided wherever possible to ensure satisfactory means of escape from the dwelling in case of fire. Phase 2 & 3 drawings do not show the

detailed layout of the flats on the upper floors, but inner bedrooms should be avoided.

6.26. **Sustainability:** Comment

This is a highly sustainable development that amply exceeds the sustainability requirements of policy CP8 with a number of innovative features.

6.27. Recommended for approval with a condition to provide BREEAM certificates in due course.

6.28. **Sustainable Drainage:** Comment

Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of condition.

6.29. **Transport:** Comment

Comments following Further Information Submitted

No objection on highways grounds, subject to conditions and a satisfactory s106 agreement.

6.30. **Urban Design Officer:** Comment

Pre-application proposals received four sets of Urban Design Comments and two Design Review Panel Reports through a Planning Performance Agreement leading to this planning application.

6.31. Post submission, the applicant has shown willing to engage positively with the LPA in response to previous Urban Design Comments and has submitted revised proposals addressing a number of recommendations.

6.32. Proposals present some positive design attributes including a cohesive and contextually appropriate general masterplan arrangement of primary north-south public spaces and secondary east-west permeability resulting in well oriented external spaces and buildings.

6.33. Whilst significantly greater than prevailing context, the proposed scale and massing which to progress logically from existing and speculative adjacent development. The provision of ground level external amenity and recreation space in Phase 1 is lacking and is reliant on the completion of Phase 2. Phase 1 proposals include a high number of single-aspect units at approximately 63%. Whilst revised proposals present a more successful appearance with graded materiality to soften the visual impact of proposals, submitted visualisations appear very bold and greater assurance of material and detail composition and quality should be sought by condition. Considering proposals holistically, and that some of these concerns may be mitigated by means of planning conditions, the above concerns do not amount to an objection.

7. MATERIAL CONSIDERATIONS

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

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

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

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
DA8	Shoreham Harbour
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment Land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public Streets and Spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports Provision
CP18	Healthy City
CP19	Housing mix
CP20	Affordable housing

Brighton & 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
SU11	Polluted land and buildings
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
HO21	Provision of community facilities in residential and mixed-use schemes
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Shoreham Harbour Joint Area Action Plan (JAAP):

CA3	North Quayside and South Portslade
SH1	Climate change, energy, and sustainable building
SH5	Sustainable travel
SH6	Flood risk and sustainable drainage
SH7	Natural environment, biodiversity, and green infrastructure
SH8	Recreation and leisure
SH9	Place making and design quality

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice & Mix
DM9	Community Facilities
DM11	New Business Floorspace
DM18	High Quality Design & Places
DM20	Protection of Amenity
DM29	The Setting of Heritage Assets
H1	Housing Sites and Mixed-Use Sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPGBH9	Provision of Outdoor Recreation Space
SPGBH15	Tall Buildings

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, affordable housing provision, housing mix, sustainable drainage, and the proposed access arrangements and related traffic implications.
- 9.2. The Full Planning (Phase 1) development will also be considered in terms of the impacts of the proposed development on the visual amenities of the site and surrounding area, public realm and landscaping impact, impacts upon amenity of neighbouring properties, standard of accommodation, ecology impact, and sustainability impacts must also be assessed.

Planning Policy:

- 9.3. The site is within the South Portslade Industrial Area and the Shoreham Harbour Regeneration Area which is addressed in the Joint Area Action Plan (JAAP) for the Shoreham Harbour Development Area.
- 9.4. The entirety of the site is indicated as a Key Employment Site in City Plan Part One (CPP1) and the presence of existing employment generating businesses surround the site. This particular site (SP5) is identified in the emerging draft City Plan Part Two (CPP2) and the Shoreham Harbour Joint Area Action Plan for residential development of 45 dwellings and falling within Character Area 3 (North Quayside and South Portslade) which is noted as having an overall minimum allocation of 3,000m² employment generating floor-space and 210 new homes.
- 9.5. The site forms part of the Shoreham Harbour Development Area in CPP1 (Policy DA8). The policy sets out an overall requirement of 300 residential units across the Development Area and includes some more specific area priorities for the South Portslade area which need to be considered as part of a future application. However, more detailed policies for the area addressing a range of issues are covered by the JAAP.

Loss of Existing Uses

- 9.6. The Full Planning Phase 1 site consists of an existing hand car wash building facing Camden Street, permitted under BH2015/02413 until June 2020. The existing car wash building would be demolished. The existing car wash use was approved for a temporary period and to then revert back to a B2 (general industrial) use. It is considered that the long-term use of this unit as a car wash would have implications for the future redevelopment of this area as there would be conflict between new residential uses and the car wash due to noise issues. The loss of the existing car wash use is therefore considered acceptable. The rest of the Phase 1 site is open land on the corner fronting Wellington Road, previously a now demolished public house.
- 9.7. The Outline Phase 2 land comprises part of the former Flexer Sacks factory building which is currently occupied by the Circle Studio and event space, North Street entrance and car parking, with vacant commercial space on the upper

floors and part of the upper floor car park. The Outline Phase 3 contains the Underground Gym unit with the rest of the decked car parking above.

- 9.8. Overall, although in current active use, Phases 2 and 3 are considered to represent an underuse of a brownfield site allocated for residential-led development. It forms part of a larger area proposed for allocation in CPP1, the emerging CPP2 and the JAAP. The principle of redevelopment for mixed-use housing and office space would accord with the Council's aspirations for this site.

Principle of Proposed Uses

- 9.9. The site falls within the DA8 Shoreham Harbour Development Areas as set out in the City Plan Part One. As part of the overall development capacity for DA8 the policy identifies a capacity of 300 new residential units within Brighton & Hove and 7,500 sq.m net additional employment floorspace. Policy DA8 sets out four priority areas for the policy, of which the Wellington Road development site falls within iii) North Quayside / South Portslade area.
- 9.10. Of relevance to this site are the following area priorities:
- b) To designate the South Portslade Industrial Area as a Strategic Employment/Mixed-use Area, including some appropriately located residential development.
 - c) To secure improvements to legibility, permeability and connectivity through high quality building design, townscape, and public realm, whilst respecting and enhancing the character and environment of surrounding areas.
 - d) To improve connections and townscape around key linkages including the Boundary Road/Station Road (B2194) district retailing centre, Church Road (A293) and along the A259.
 - e) To ensure that all development takes into account the findings and recommendations of the current Flood Risk Assessment.
 - f) To ensure that new development proposals take into account impact on local air quality and noise and that improvements and/or mitigation are sought wherever possible.
- 9.11. In order to maximise the opportunities offered by this diverse waterfront location, a Joint Area Action Plan (JAAP) for the wider Shoreham Port area has been adopted by Brighton & Hove City Council, Adur District Council and West Sussex County Council which sets out a comprehensive, deliverable plan for the future revitalisation of the area. The development site lies within Policy CA3: South Portslade and North Quayside. Part 4 of the policy allocates the site as follows: *“SP5 - Former Flexer Sacks: Allocated for mixed use redevelopment (use class B1 on lower storeys and use class C3 on upper storeys. Associated leisure and assembly (use class D) uses may be permitted provided they are demonstrated to be compatible with residential and employment uses in the vicinity.”*
- 9.12. The Former Flexer Sacks site is also allocated in the emerging City Plan Part Two (CPP2) under policy H1 for mixed use redevelopment including an indicative 45 residential units (Use class B1 on lower storeys and use class C3 on upper storeys. Associated leisure and assembly (use class D) uses may be permitted provided they are demonstrated to be compatible with residential and employment uses in the vicinity. At this stage this policy now carries significant

weight, and reflects the capacity of the site as set out in policy SP5 in the adopted JAAP 2019.

- 9.13. The site is well located for high density development, with good access to local facilities and services, and well served by public transport. Given the city's housing requirement and the current supply position, the principle of mixed-use residential and office development on the site is considered acceptable, subject to all other material considerations set out below.

Proposed Employment Uses

- 9.14. Policy CA3 of the JAAP sets out in part 3b) that a minimum of 3,000sq.m employment floorspace (use classes B1, B2 and B8) should be delivered in the area. Policy SP5 in the adopted JAPP sets out that the site is allocated for mixed use redevelopment with class B1 on the lower storeys and use class C3 on the upper storeys.
- 9.15. Phase 1 of the proposed scheme would provide 423sqm (gross internal area) office space, with 3,239sqm of office space to be provided in Phase 2 and 2,402sqm within Phase 3. Therefore, the majority of the employment floorspace would be provided in the Outline scheme. Given that the proposed Phase 1 ground floor is required to provide services and storage to support the 65no. residential uses on the upper floors, the amount of office space provided at part ground and part mezzanine floor is considered appropriate, and that overall, the scheme would provide the employment floorspace required to accord with the policy.
- 9.16. Emerging policy DM11 New Business Floorspace in the Draft City Plan Part Two seeks to ensure that development proposals involving the provision of new business floorspace, either in stand-alone commercial or mixed-use schemes, provide for well-designed buildings and layouts suitable for incorporating a range of unit sizes and types that are flexible, with good natural light, suitable for subdivision and configuration for new uses and activities.
- 9.17. Policy CP2 (Planning for Sustainable Economic Development) provides guidance on the city's growth sectors and requirements for new office floorspace in the city, to ensure developments bring forward a mix of employment floorspace including the provision of small and medium sized, flexible floorspace and start up business space to support the city's key employment sectors. The new build office accommodation is considered to be well-designed and flexible, allowing for subdivision in the future, and appropriate to meet the likely needs of a range of potential end users to accord with Policies CP2 and DM11.
- 9.18. The provision of office space would enable an active street frontage on Camden Street, in accordance with allocated Site SP5 within Policy CA3 of the JAAP. Overall, the application scheme would provide a total of 6,064sqm of office floorspace across the 3 phases, which is a significant uplift from the existing 1,175 on site. A condition would be required to ensure that the employment floorspace would be allocated as office space, and not another use as part of the broader Use Class E.

- 9.19. To secure local benefits from the development coming forward, an Employment and Training Strategy would be secured by legal agreement for each phase to ensure at least 20% local labour is used in the construction of the development, and requiring a contribution towards the Council's Local Employment Scheme.

Proposed Residential Uses

- 9.20. Policy SS1 of CPP1 sets out the presumption in favour of sustainable development indicating that planning applications that accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise, taking account of any adverse impacts being significantly and demonstrably outweighed by the benefits when assessed against the NPPF taken as a whole. This position is supported by Policy CP1 of CPP1 (Housing Delivery) which promotes higher densities in appropriate locations and where all new housing developments contribute to the creation and/or maintenance of mixed and sustainable communities.
- 9.21. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 9.22. The council's most recent housing land supply position published in the SHLAA Update 2020 shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.23. Policy CP14 of CPP1 (Housing Density) requires development to make full, efficient, and sustainable use of the land available. Development will be permitted at higher densities than those typically found in the locality should there be a high standard of design, and that it respects the character of the neighbourhood.
- 9.24. The subject site is located within the city's built up development boundary where the principle of the redevelopment of previously developed sites for residential use is supported. As set out above, Policy H1 of CPP2 allocates the site for 45 dwellings, which is considered to be a minimum figure which can be exceeded if justified.
- 9.25. The site is well located for residential development, having good access to local services and facilities in the neighbouring District Shopping Centre and being well served by public transport, including being a walkable distance to Portslade Railway Station. The site is close to other services on the South Portslade Industrial Estate, Vale Park to the north, nearby health and recreation services, and two primary schools. Given the city's housing requirement and the current supply position, the additional housing proposed would be welcome, subject to complying with other planning policies and material considerations set out in this report. The location is considered generally suitable for high density residential

development. The number of residential units that the proposed development can accommodate is dependant in particular on fully justifying the massing/height of the development and ensuring a good standard of accommodation for future residents. These issues are considered further below.

- 9.26. Subject to the consideration of other Development Plan Policies and the NPPF taken as a whole, it is considered that the uplift would represent an efficient use of the site. The NPPF at paragraph 123 indicates that "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of site." At the same time the NPPF advises that local planning authorities should refuse applications that fail to make efficient use of land and support a flexible approach in the application of policies or guidance where they would otherwise inhibit making efficient use of a site.
- 9.27. The uplift would make a significant contribution to much needed housing in the city and would make an efficient use of an existing brownfield site. As a result, the provision of 136 residential units across all 3 phases on this site is considered acceptable in principle and compliant with CPP1 policies SS1 and CP1; policies CA3 (Site SP5) of the SHJAAP and policy H1 of the emerging CPP2.

Proposed Mix

- 9.28. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city. 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. Significant weight is given to Policy DM1 of CPP2 which seeks 'the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities'.
- 9.29. 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 policy indicates a requirement of 24% for 1-bedroom units, 34% for 2-bedroom units, and 31% for 3-bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2- and 3-bedroom properties which reflects continuing demand for housing from younger persons and young families.
- 9.30. The proposal for Phase 1 is for 31x 1-bed, 17x 2-bed (3Person), 16x 2-bed (4Person) and 1x 3-bed units, which is considered to be a broad mix. The proposed 71no. units in Phases 2 and 3 would provide 3x studios, 24x 1-bed units, 29x 2-bed units, 11x 3-bed units and 4x 4-bed units.

- 9.31. Although it is unfortunate the mix is skewed away from the provision of 3-bed units, the character of the site and location are suitable for smaller residential units. It is considered that the proposed residential units would contribute positively to the achievement of mixed and sustainable communities in line with Policies SA6, DM1 and CP19.
- 9.32. The submitted floor plans and details of mix of units for the Outline Phases 2 & 3 are indicative only and subject to revision at Reserved Matters stage. Should any subsequent Reserved Matters application alter the indicative number or mix of units from the submitted accommodation schedule, items such as housing mix, trip generation and s106 contributions would need to be reviewed

Affordable Housing

- 9.33. City Plan Part One Policy CP20 requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. For this proposal, 65no. dwellings in Phase 1 would equate to 26 affordable units, and the 71no. dwellings in Phases 2&3 would be required to provide 28 affordable units. This is a total of 54 homes across all phases.
- 9.34. The applicant has submitted an Affordable Housing Statement which states that the viability of the scheme has been tested to ensure that it can satisfactorily meet the required policy compliant level of 40% affordable housing.
- 9.35. The scheme is therefore considered to be compliant in terms of the level of affordable housing to be provided in Phase 1, and proposed in outline at Phase 2 and 3. The submitted Affordable Housing Statement outlines that the viability of the scheme has been tested to ensure that the development is able to meet the proposed policy compliant level of 40% affordable housing
- 9.36. The proposed Phase 1 affordable unit mix would be 14x one-bed, 4x two-bed(3Person) and 8x two-bed(4Person). It is further noted that the proposed mix lacks any 3-bed units and does not strictly accord with Policy CP20 which sets a preferred affordable housing mix across the city of 30% 1- bed, 45% 2-bed and 25% 3-bed units. However, as above, it is considered that the character of the site and location are suitable for smaller residential units there is no objection to the mix in this instance.
- 9.37. Policy CP20 states that "Affordable housing provision should incorporate a mix of tenures. The exact tenure split on each site will be a matter for negotiation and should be informed by up to date assessments of local housing need and individual site and/or neighbourhood characteristics." The Council's Affordable Housing Brief (2014) sets out a citywide objective to achieve a tenure mix of affordable housing of 55% Affordable Housing for Rent and 45% Intermediate housing, which is proposed and is welcomed. It is stated that discussions are currently taking place with council approved RPs.
- 9.38. Final details of the numbers, type, tenure, and location on the site of the affordable housing and its management would be secured within the s106.

Site Strategy and Site Layout:

- 9.39. Transport issues relating to the site are considered in more detail below, but in general terms, pedestrian access to Phase 1 would be from both Camden Street and Wellington Road, with servicing and vehicle access to on-site parking spaces from Camden Street. The large section of Council-owned open frontage facing Wellington Road would become part of an active travel 'green corridor' providing green space and pedestrian spaces and designed to accommodate a future designated cycle lane along the A259.
- 9.40. The Masterplan for the site as part of the Outline proposals in Phases 2 and 3 proposes a new vehicle access from Wellington Road into a basement level car park. The on-site disabled parking delivered for Phase 1 would be relocated to this car park at the delivery stage of Phase 2. The car park would also be extended under Phase 3.
- 9.41. In terms of site layout, the general concept is to provide north-south outdoor spaces of 14 – 18m separating three buildings, which also enables east-west permeability through the site via a linkage at the ground floor of the centre building. The design allows for the office space, residential units, and cycle store entrance of Phase 1 (to the east) to be accessed directly from the outdoor spaces within Phase 2.
- 9.42. At pre-application stage, there was concern over the quality of ground floor public realm spaces, and that there is a slight under-provision of external communal amenity space. It is considered that the proposal now successfully has improved the public realm as part of the overall site layout in all phases. During the application, amendments were made to expand the width of the east-west connection which is considered to improve its useability and would benefit from greater natural light. In further mitigation, the proposed Green Corridor space forms part of the Phase 1 development, and the scheme is improved overall with the assurances of public space improvements within the Outline scheme.
- 9.43. It is considered that the development would provide an acceptable standard in terms of its site layout design, appearance, and treatment in and around of the development including the main central spaces. The proposal is therefore considered to be in accordance with the movement, built form and public spaces policy objectives with policies DA8 and CP13.

Standard of Accommodation:

Internal Layout:

- 9.44. Draft Policy DM1 in the Proposed Submission CPP2 requires that all residential units should as a minimum meet the Nationally Described Space Standards (NDSS) and the accessibility and adaptability standards in Building Regulation M4(2).
- 9.45. The principle features of Building Regulations M4(2) guidance comprise, level access throughout, including thresholds to balconies, outdoor space, and private entrances. Generous circulation space within each home, wide corridors and flexibility are all key attributes incorporated into the design proposals in order to

meet the changing needs of households and to ensure adaptability for occupants growing older or those experiencing changes in circumstance.

- 9.46. The requirement to meet Lifetime Homes (under saved Local Plan Policy HO13) has been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the building is achievable therefore in the event permission is granted a condition is required to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the wheelchair accessible units, and Requirement M4(2) for all other units.
- 9.47. 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. For Phase 1, the scheme would include 63% of units having single-aspect which the applicant has clarified is because of operational and viability constraints that require a single stair core. 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. It should be noted that there are no north-facing single aspect units proposed.
- 9.48. All of the proposed units meet the national minimum space standards. The size and layout of each unit is generally considered acceptable, with all rooms having acceptable access to outlook and ventilation.
- 9.49. There will be some inevitable level of mutual overlooking between the windows and balconies of the buildings in each phase. The degree of overlooking in this scheme is inevitable in a development of this density and overall, the scheme is considered to be acceptable in this regard. The saw-tooth building design allows views towards the sea, as well as providing privacy and minimising overlooking.
- 9.50. Although details of Phases 2 and 3 are indicative, the application submission confirms the units would meet the Nationally Described Space Standards minimum. Details of internal layouts for Phases 2 and 3 would be provided and the standard of accommodation assessed at the Reserved Matters stage.

Outdoor Amenity Space:

- 9.51. 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.
- 9.52. Emerging CPP2 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.

- 9.53. Following amendments to Phase 1 of the scheme, all of the proposed flats would benefit from private amenity space in the form of a balcony. All units would also have shared amenity space in the form of a rooftop garden. Given the location of the site close to public amenity spaces, and given the character of the immediate area where some flats do not have access to private amenity space, the proposed level of private amenity space is considered acceptable in this instance.
- 9.54. The amenity space provision for Phases 2 and 3 is indicated as each unit having private balconies and access to shared communal spaces, however more detailed plans would be assessed at the Reserved Matters stage.

Daylight/Sunlight:

- 9.55. 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.
- 9.56. 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.
- 9.57. The report sets out that all bedrooms within Phase 1 would comfortably meet the 1.0% recommended daylight levels, with 12 living/dining/kitchen areas would be below the 1.5% recommended for a living room. These rooms are west facing (towards the other proposed blocks) and have single aspect to balcony areas. Sunlight results were that 35 of the living areas would be able to meet both the annual and winter probable sunlight hours targets, with 22 living areas below both recommendations. The rooms meeting both targets have windows facing east or south, with most of the living areas below both targets facing west. Rooms facing just north of due west would naturally have limited levels, however balcony areas restrict the sunlight here further.
- 9.58. It should be noted that the proposed balconies provide important private amenity space in themselves. Overall, although the sunlight/daylight provision would be restricted by single-aspect units with balconies and often facing west towards the Phase 2 building, on balance it is considered that the scheme would generally provide adequate amenity levels for future occupiers.
- 9.59. With regard to Phases 2 and 3, as the floor plans are indicative, there are no details of window and balcony positions to fully assess daylight/sunlight. Details of the layout are to be submitted through a Reserved Matters application. The BRE have initially reviewed the sunlight provision and concluded that Phase 2 has the potential to be adequately lit, and that Phase 3 sunlight provision will have more restrictions due to proximity to Phase 1, and so will require careful consideration of living room locations within the building layout. The daylight/sunlight impacts of, and on Phases 2 and 3 would be further assessed at the Reserved Matters stage.

Noise:

- 9.60. Saved policy SU10 seeks to ensure that all new developments minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties, and the surrounding environment.
- 9.61. The proposed buildings would be set back from Wellington Road with the green corridor in between. A Noise Impact Assessment has been submitted to address potential disturbance from traffic movements along a road serving a port with high levels of traffic. The Assessment concludes that noise can be mitigated with the use of suitable glazing and acoustically attenuated ventilation. These measures can be secured by condition and would ensure a satisfactory standard of accommodation for future occupiers.
- 9.62. 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.

Design and Appearance:

- 9.63. The National Planning Policy Framework 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 which seeks to raise the standard of architecture and design in the city.
- 9.64. The Council's Design objectives are covered in the City Plan and expect development to raise the standard of architecture and design in the city and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods. Development should achieve excellence in sustainable building design and construction. It should conserve or enhance the city's heritage assets and their settings. Development should protect or enhance strategic views into, out of and within the city. The design of the external spaces should be an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm.
- 9.65. Saved Policy QD15; City Plan Part One Policies CP12, CP14, and CP16 and emerging City Plan Part Two Policy DM18 and DM22 seek to deliver quality developments, raise the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain where landscape is an integral part of the design.
- 9.66. Policy CA3 of the JAAP sets out the detailed design aspirations for the development of this character area, with site SP5 (Former Flexer Sacks) to form part of the comprehensive redevelopment area to enhance the existing townscape with development along Wellington Road being setback beyond the proposed green corridor.
- 9.67. The design and appearance of the proposed development has evolved to take account of comments provided during the evolution of the scheme. The arrangement of the site and buildings, and their appearance has evolved in response to a number of key urban design principles which include:

- Green corridor
- Materials in response to Heritage concerns
- Public realm

- 9.68. The proposed design of the scheme has been considered by the Design Review Panel. Initially, the Design Panel raised concerns over how the proposed building would work within its wider context setting. In particular, justification of the height on the immediate environment was required, and an outline of how to further improve the public benefit of landscaping and connectivity. A number of the issues initially raised related back to the delivery of the whole site. The argument for a landmark building in the context of wider redevelopment was generally supported. A coherent and detailed masterplan incorporating phases 1, 2 and 3 was recommended.
- 9.69. The applicant has sought to address these concerns by including the Underground Gym site within the Outline application (Phase 3), and extensive detail has been provided to set out how the phased development across the site would be cohesive once all phases are completed. This is a welcome improvement to the scheme to ensure appropriate access arrangements with the Outline application, and to enable a holistic consideration of public realm as well as movement within and through the site.
- 9.70. The proposed buildings in Phases 2 and 3 are indicative as scale, layout and appearance are matters reserved. However, the reserved matters would need to conform to the parameters set by the outline proposals.

Public Realm/Landscaping:

- 9.71. City Plan Policy CP16 (part 2) states that "new development will be required to contribute to the provision of and improve the quality, quantity, variety and accessibility of public open space to meet the needs it generates". Policy CP17 (part 5) sets a similar requirement for sport provision, stating that there is a requirement for new development to contribute to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces to meet the needs it generates.
- 9.72. Saved Policy QD15 and CPP1, Policy CP12 seek to ensure that the space in and around developments is designed to a high standard and integrated into to the scheme from the outside. Policies SH7 and CA3 of the JAAP seek to ensure that the site delivers landscape, ecology, and biodiversity enhancements to the site and the A259.
- 9.73. The public realm and landscaping proposal includes the provision of:
- A Green Corridor that would stretch across the frontage of the site to provide a soft landscape buffer between the residential frontage and Wellington Road (A259). The Green Corridor would have shingle beach planting, boulders and coastal features, evergreen tree planting and public art.
 - The Outline scheme would provide an inner public green space for future residents and the public, with tree planting
 - Split -level shared gardens with soft landscaping are provided at roof level of the development for residential use.

- 9.74. The detailed design of the split-level roof gardens shows a varied and high-quality amenity space. The Outline primary north-south public spaces with east-west permeability enable significantly beneficial public realm. This should help encourage the use of the centre by residents who wish to use local services in the centre.
- 9.75. Part 6 of Policy CA3 of the JAAP states that for sites SP1, SP2, SP3, SP4, SP5, and the southern portion of site SP6, new buildings should be set back from Wellington Road to allow the enhancement and extension of the proposed green corridor. The grassed frontages on the north side of Wellington Road form part of the proposed green corridor, and as set out in the JAAP have the potential to provide multifunctional amenity space for adjacent development sites whilst providing for an more attractive southern edge to Wellington Road.
- 9.76. Para 3.5.15 of the JAAP sets out that the A259 does not currently have good infrastructure for cyclists and is heavily used by motor vehicles including HGVs. With this in mind it is understood that the relevant JAAP authorities are exploring the potential for dedicated cycle facilities along this route. Policy SH5 Sustainable Travel in the JAAP seeks to ensure that new developments in the regeneration area address the need for measures such as cycling infrastructure through several requirements. This is further considered under Sustainable Transport section of the report below.
- 9.77. Overall, due to the footprint of the building, there is little room for soft landscaping. However the inclusion of the Green Corridor as part of Phase 1, and the public garden areas within the Outline scheme, as well as the roof gardens for residents, would improve the general quality of space.
- 9.78. The provision of the internal green space and connection to the proposed green corridor would comply with JAAP Policies SH8 and SH9, as well as the above-mentioned policies. A full landscape scheme required by condition to ensure implementation and maintenance thereafter.
- Form/Scale/Massing:
- 9.79. The proposed development would fall within the City Plan definition of 'tall buildings' (defined as 18 metres or more in height/approximately 6 storeys) in Policy CP12. Policy CP12 refers to a tall buildings node at Shoreham Harbour focussed in the eastern-most area of the Harbour within the City boundary.
- 9.80. Policy CA3 of the JAAP Part 6 states that "building heights up to six storeys are generally considered acceptable", while CA3 clause 7 states there is potential for greater building height when taking urban design into account. Higher buildings would therefore need careful consideration in design terms.
- 9.81. The Council's Tall Buildings SPG 15 (2004) identifies Shoreham Harbour as a corridor where tall buildings would be acceptable in principle. The SPG defines tall buildings as 6 storeys or more (18m) and very tall buildings from 15 storeys.

- 9.82. It is therefore considered that this site has potential for a substantially increased scale of development. However, the general scale and form of surrounding areas make introducing tall buildings challenging. The applicant has submitted a Design & Access Statement, and a Planning Statement that refer to how pre-application advice and public consultation shaped the scheme, as well as supporting information relating to the proposed height and massing. The applicant has also submitted a Tall Building Statement which provides and assessment of the impact of the scale and mass of the proposed development.
- 9.83. The proposed positioning of the buildings set back from the open area fronting Wellington Road, would align with the building frontages on the site in the immediate context. However, the scale and appearance of the building would result in the building being a prominent element in the street scene.
- 9.84. The site immediately to the east is an underdeveloped allocated site, and the 4-7 storey Belgrave Training Centre on Clarendon Place (BH2018/03629) is sited further to the east. The applicant has provided a contextual east-west townscape section which sets out the height of the proposal amongst existing, consented, and speculative development along Wellington Road. This establishes the proposed Phase 1 ten-eleven storeys as the tallest point, with the height to the east and west dropping off. This is considered to be appropriate given the prominent corner plot of the Phase 1 site with identified development sites in proximity along this road. The indicative Outline proposals show Phase 2 Building 2A as seven-eight storeys, Building 2B with ten storeys, and Phase 3 buildings varying two-six storeys, and so there would be a prevailing reduction in scale from Phase 1. Contextual north-south sections have also been provided to indicate a logical progression of heights from the residential development to the north at St Andrew's Road.
- 9.85. Given the presence of the consented and potential future taller buildings set amongst low scale industrial buildings, it is considered that a significantly taller building would make a better and more effective use of the site. It is expected that surrounding sites will also be redeveloped with substantial height increases given the acceptability in principle of higher density and taller development along this tall building corridor.
- 9.86. The character and nature of the site and area is such that the proposed blocks would sit appropriately in this context. Although taller than its neighbours, this is offset by the setback behind the green corridor, the variation in heights in the Outline scheme, and the articulation of the facades with the saw tooth form providing depth and interest to the industrial style design.

Whilst there would be a significant change in the built form from the existing

- 9.87. Situation, especially in views from the east and west along Wellington Road, the proposed development (including the principle details of the Outline proposal) would be experienced in the context of existing and future higher density surrounding development and is not considered to be significantly harmful to the character of the area.

Impact on nearby Locally Listed Assets:

- 9.88. City Plan Part 2 Policy DM29 states that 'Development within the setting of a heritage asset will be permitted where its impact would not harm the contribution that setting makes to the asset's significance, by virtue of the development's siting, footprint, density, scale, massing, design, materials, landscaping or use.'
- 9.89. To the south-east of the site on the south side of Wellington Road and further east are houses and office/studio/warehousing at 4-16 (even), 18 and 20 Wellington Road, which are locally listed. Set outside of a conservation area, these properties are significant for their well-designed wharf-complex, with an unusual arrangement of domestic and industrial uses, which responds to the local topography. The properties are considered to make a positive contribution to their industrial setting.
- 9.90. Due to their distance from the site, it is not considered that they would be directly affected by the proposed development, however the scale of the development would impact on views of these historic buildings along Wellington Road from the east. The submitted Tall Buildings Study indicates viewpoints of the scale of the development in context with nos. 4-18 & 20 Wellington Road.
- 9.91. Following concerns raised by the Heritage Team that the proposed Phase 1 building would have a negative impact on the backdrop of these locally listed buildings, it was considered that the use of materials could reduce this less than substantial impact. The facing materials have been amended to introduce a more traditional brick to the upper level. The boldly coloured glazed bricks are retained at lower levels but would now gradually be blended between the two shades at mid-level. This solution is considered to improve the integration of the proposed development into the surrounding townscape. Subject to full details of the proposed bricks by conditions, it is considered that the resulting harm would not be so significant as to warrant refusal of the application on this basis.

Appearance, Detailing and Materials:

- 9.92. The general appearance of the Phase 1 building has been influenced by the prevailing visual character of this industrial area of Portslade, including industrial warehouses close to the site. Key features of this includes large metal framed windows and round arches. The proposed Phase 1 saw-tooth building form is also considered to subtly reference industrial context. Generally, the building appearance has also been used to contribute to innovate sustainable design aspects such as low-emission structural concrete and solar wall cladding, which is welcomed. Balconies would reduce solar gain, with deployable solar screens on the south-facing balconies. The commercial units are set back from the south elevations to offer sun protection.
- 9.93. The proposed materials of brick and corrugated steel are considered to be sympathetic to the existing context, and the exterior appearance has been shaped by the use of sustainable materials. Revisions to the materials provided a graded materiality to the southern tower element, with lighter tones towards the upper levels with greater elevational articulation. This provides a more layered, textural, and lightweight appearance.

- 9.94. Justification has been provided with further contextual analysis of the surrounding character, with the softening of the materiality by introducing a blended buff brick to the orange areas. The screening to the roof level gardens also provides a lightweight appearance.
- 9.95. The detailed information on materiality is important to ensure a successful appearance. In particular, the blend of lighter tones into the orange brick towards the top of the Phase 1 building. Details of the materials, including samples to fully assess appearance and texture, are required for each phase of the development by condition. Further details of the design, articulation and materials of the Outline development are required at reserved matters stage.

Sustainability:

- 9.96. 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 specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the B1 office element of the scheme.
- 9.97. The applicant has submitted a Sustainability and Energy Statement. The Phase 1 building is calculated to reduce carbon emissions by 19% below Building Regs Part L on average (including residential and non-residential elements). Innovative design aspects such as low-emission structural concrete and solar wall cladding contribute towards a low-carbon building both in terms of operational carbon and embodied carbon. The Sustainability Officer has noted that the building fabric would incorporate excellent U-values, indicating high quality insulation, significantly reducing the need for heating/cooling. As such, the proposals would exceed requirements under Policy CP8.
- 9.98. In terms of heating, there would be mechanical ventilation with heat recovery, and openable windows, heating and hot water is by air source heat pump to underfloor heating, with thermostats. The Phase 1 building targets a 49% reduction in carbon emissions over Part L Building Regulations.
- 9.99. Provision is made for connection to a future district heating network via a service trench from the plant room in Phase 1 to a suitable connection point to be agreed. Such a system could heat all 3 phases of the development
- 9.100. PV panels are proposed on the roof of the Phase 1 building on the sawtooth roof profile area. The electricity generated would be used for communal and commercial spaces. Details of design and amount would be required to be conditioned.
- 9.101. Commercial and leisure space will be designed to achieve "Excellent" BREEAM rating. Commercial spaces will target energy performance 40% lower than typical development. BREEAM certificates will be required by condition.

Impact on Amenity:

- 9.102. 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.
- 9.103. Whilst the proposal would generate a certain amount of noise from private 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 not considered that any potential noise disturbance would be significant, especially having regard to the existing uses on site.
- 9.104. The site is set back from Wellington Road and is not in close proximity to existing residential properties, with the Travis Perkins trade warehouse and yard and Shoreham Port on the south side of the road at a lower land level. To the south-east are the office/studios with residential accommodation at no. 20 Wellington Road. To the north and west of the site are protected employment uses. There are residential properties further to the west on Middle Street, however they are of significant distance away. To the North East of the Site is the City Coast Church/Centre. Given the street context and the nature of the windows of non-residential here, it is considered that the impact of loss of light and overlooking/privacy would not be significant to refuse the planning application on this basis.
- 9.105. The neighbouring sites to the east are currently commercial uses but are allocated for future residential or mixed-uses. Due to the height of the proposed development, there may be a degree of overlooking, both perceived and real from windows and balconies towards neighbouring properties of future residential development, but the properties would be separated by Camden Street, and at this distance, any mutual overlooking would be of a level expected in a residential area
- 9.106. The impact of the scheme on the residential development approved at Belgrave Training Centre on Clarendon Place has been assessed as part of the submitted Sunlight and Daylight assessment, which was subject to an independent review by the Building Research Establishment (BRE). The daylight/sunlight report presents average daylight factor results for rooms of the development facing the application site. All bedrooms were considered to meet the average daylight target, and overall, it was concluded that adequate daylight would be retained at this approved neighbouring development. Loss of sunlight impact would not be an issue given these windows face north of due west.
- 9.107. On this basis no significant harm to the amenities of existing/future residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 9.108. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 c) of the Brighton and Hove City Plan Part One is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle 75 Access and Parking) and TR18 (Parking for people with a mobility related disability).
- 9.109. There has been significant input from the Highways Authority on this application including at pre-application stage and during the course of the application. Subject to the proposed conditions and developer contributions / obligations the scheme is considered to be in accordance with development plan policies in respect of the transport impacts. The details are set out below.

Access:

- 9.110. The site has many amenities within walkable distance of the site, including retail services, bus services, and railway stations. The site would be accessed by pedestrians from both Wellington Road and Camden Street. The development of the Outline phases would also enable pedestrian access from within the site. Additional drawings submitted provide indicative crossing locations in the immediate street areas with tactile paving and dropped kerbs. This and the other proposed highway works are set out within the s106 Heads of Terms.
- 9.111. The proposed drawings of the Green Corridor indicate how a new section of west-east cycle path could be accommodated on the section of Wellington Road frontage of the application site. It is considered that this goes some way to address the strategic objective of a cycle path on the route.
- 9.112. Servicing access would be from Camden Street in an on-street marked out bay, which is considered acceptable given the constraints, and that onsite provision would impact on the ground floor provisions of the development. Swept path analysis has been provided. The servicing arrangements are subject to safety assessment as part of a Road safety Audit.
- 9.113. Vehicle access to the three car parking bays would be from Camden Street. The Highway Authority have no objection to the vehicle movements and swept-path analysis of this proposal. The Outline proposals at Phase 2 indicate that the Phase 1 on-site parking spaces will be relocated to the Phase 2 basement car park.

Cycle Parking:

- 9.114. Employment and residential cycling parking are proposed at the ground and mezzanine levels (accessed via a lift). A total of 71 long-stay and 24 short-stay spaces are proposed. The residential development would have access to 66 of these spaces. Five spaces are allocated for the office use at ground floor level. The provisions are considered acceptable. Further details of how cycle parking is accessed and ease for users is required by condition.

Trip Generation:

- 9.115. The existing site comprises an informal car park and a hand car wash/valet service which the applicant provided entry and exit analysis of trips. The applicant has also provided trip generation analysis to determine the expected trip generation for the proposed development. The Highway Authority have concluded that it is unlikely that the proposed development would have a detrimental impact on the capacity of the local highway network, providing parking overspill can be controlled.

Parking:

- 9.116. Saved' Policies TR4, TR7 and TR18 and CPP1 Policy CP9 seeks to ensure that developments provide sufficient on-site parking. There are, however, situations where requirements for on-site provision of parking, for example, can be reduced particularly if the site is in a sustainable location and within walking distance of public transport.
- 9.117. Three on-site disabled parking bays are proposed. This is less than the minimum six required for this development. Up to three temporary additional on-street blue badge spaces are proposed at Camden Street. This is considered acceptable as a temporary arrangement until the Outline phases are brought forward and will only be brought forward if Phase 1 creates the demand. The road marking costs, and relocation of the spaces from Phase 1 to Phase 2 can be secured by s106.
- 9.118. The impact of the proposal in terms of increased traffic, highway safety and parking pressure is cited as one of the main objections by local residents. Residents have raised concern that the overall level of parking provision is insufficient to meet the needs of the development and would result in increased pressure on street parking in the area.
- 9.119. Based on the information provided by the applicant, the Highway Authority have concluded that there is limited parking space capacity (85% occupancy) on the adjoining roads to accommodate any on-street overspill parking from the development.
- 9.120. The site is within a commercial area where street parking is not restricted. It should be noted that the Council proposes a CPZ which has gone through consultation. Previously the streets adjoining the site were to be included in the future CPZ, however following consultation, the site location roads are not included, with the nearest included street at St Andrews Road to the north.
- 9.121. It should be highlighted that the site is also in a sustainable location along bus routes and within walkable distance of train stations. The site is located within walking and cycling distance of many amenities with residents being able to able to access shopping, health and community facilities and some educational facilities within 2km of the site. As such occupiers would not be solely reliant on car travel to meet their day-to-day needs.
- 9.122. The Highway Authority have recommended that the applicant agree to a Unilateral Undertaking to control the use and ownership of cars by future

residents. However, it is considered that this is unreasonable and beyond the scope of the planning process. If there is a future need to control on-street parking, a CPZ could be imposed, and if necessary, parking permits for residents of this development could be restricted through processes separate to planning.

- 9.123. Further, measures in the Travel Plan to be secured by condition would also further increase travel by sustainable modes. There would be 38 parking spaces provided as part of the Outline proposed development for future residents and employees.
- 9.124. The impact of parking overspill should be considered in balance with the merits of the scheme. The mixed-use development would provide much needed housing, including policy compliant level of affordable units, on an allocated site which is currently underdeveloped. It would also provide significant public amenity with a very sustainable building design. It is therefore considered that in this instance, any potential harm would be outweighed by the public benefits that would be generated through the delivery of this development.

Access Considerations for Outline Scheme

Pedestrian Access:

- 9.125. The Phase 2 and 3 proposals indicate access to the site from the south, east and north. The vehicular access to the basement car park would be from Wellington Road. Pedestrian access would be through the two landscaped north-south routes through and within the site.

Cycle Access:

- 9.126. Cyclists entering Phase 2 would access cycle parking at basement level adjacent to the basement level car park via a ramp from Wellington Road. The Highway Authority has queried the gradients of the ramps, which in any case would be required to meet building regulation standards. As the ramp could be steep for some users, the lift can be used.
- 9.127. The proposed Phase 1 Green Corridor incorporates design for a cycle path, as the Council are currently assessing the possibility of a dedicated cycleway along Wellington Road. This would encourage more seafront cycle access to and from the site and would be an important facility for future residents and employees. The Highway Authority have indicated that if this is implemented in the future, then changes to Wellington Road would be required which could impact on the Wellington Road access. Therefore, the design should be considered as 'interim' until a cycleway is implemented. The future layout change would be secured by s106.

Vehicle Access:

- 9.128. Vehicle access to Phases 2 and 3 will be via a ramp from Wellington Road down to the basement car park. Following extensive pre-application considerations on the vehicle access location, the Highway Authority has no objection to the access proposal in principle. The basement car park would have a gated access set back to enable a vehicle to wait at the gate without blocking the highway. Details of emergency access would be required in the Reserved Matters application. A separate planning application is required for a new crossover to

access the new vehicle access. The new vehicle access is subject to safety assessment as part of a Road Safety Audit. Details of the car park, electric vehicle charging spaces, and the allocation of the proposed 20 general car parking spaces would be required in a Reserved Matters application and/or condition.

Deliveries:

- 9.129. Phase 2 servicing would be provided with a lay-by off Wellington Road. Phase 3 servicing would be provided to the north with a lay-by on the south side of North Street. The principle was considered acceptable at pre-application stage and swept-path analysis has been submitted which is deemed satisfactory by the Highway Authority. The servicing arrangements are subject to safety assessment as part of a Road Safety Audit.

Access Conclusion:

- 9.130. Further design details of the access arrangements of Phase 2 and 3 are required as part of any subsequent Reserved Matters application. A requirement for an approved Stage 1 & 2 RSA for the final proposals as well as an approved TRO covering the changes to the highway are to be secured via condition, which the applicant has agreed to as part of the submitted Transport Assessment Addendum Report. The proposed amendments to the highway also require a s278 agreement. The proposed highway works are set out within the s106 Heads of Terms. In addition to the above, it is recommended that a Construction Environmental Management Plan (CEMP), and Travel Plan are also secured via condition/s106.

Other Considerations:

- 9.131. Whilst it is acknowledged that the proposed development would increase pressure on local services, the scale of the development is not such that the LPA could reasonably expect the provision of such services on site as part of the proposal, particularly given the need for housing. Further, this would be mitigated through the S106 agreement and CIL provision.

Air Quality:

- 9.132. Policy SU9 of the Local Plan relates to pollution and nuisance control. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton Hove, which this site sits within. The applicant has submitted an Air Quality Assessment.
- 9.133. The proposal positively provides progressive use of electric heat pumps to provide heating and hot water instead of gas combustion and chimney on site. Therefore, there are no emissions associated with on-site combustion plant.
- 9.134. Although the proposal would result in some increased trip generation, if the existing uses all maximised their use, this could also impact on local air quality. The proposed development would promote sustainable travel modes to new residents, and the mitigation and green environment will be the driving factors the use of cycling, walking and public transport.

- 9.135. The application sets out that the existing air quality in the vicinity of the proposed development is not expected to be significantly impacted upon, and future users of the proposed new residential units would not be exposed to poor air quality.
- 9.136. As such it is considered that the proposed development accords with the provisions of Policy SU9 of the Local Plan.

Wind Microclimate:

- 9.137. The applicant has submitted a Wind Microclimate Study to assess the wind microclimate for the proposed development, with consideration of the pedestrian level wind environment. Mitigation of wind impact is provided within the design of the soft landscaping.
- 9.138. The submitted study has been independently reviewed and is considered to represent a plausible appraisal of the wind microclimate upon the introduction of the proposed development. The assessment and associated predictions are considered reasonable.

Flood risk:

- 9.139. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Policies SU3, SU5 and SU11 in the Local Plan relate to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings.
- 9.140. The site is within Flood Zone 1 which has the lowest risk fluvial risk of flooding. The applicant has submitted a Flood Risk Assessment. The application sets out that the site is at low risk from surface water flooding and concludes that the proposed development is appropriate for the flood risk, provided that the recommendations in the report are followed. Recommended conditions can adequately deal with any future flood risks in accordance with development plan policies.

Ecology:

- 9.141. The site does not have a nature conservation designation, and given its nature and location, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site is currently predominantly buildings and hardstanding and is of relatively low biodiversity value. No priority habitats or protected species of flora have been identified.
- 9.142. The applicant has submitted a Preliminary Ecological Appraisal Report. The proposals would incorporate ecological enhancements for the site in the form of green roofs, bat and bird boxes, and tree/shrub planting. The recommendations are to be implemented by condition. Overall, the proposal is considered to be in accordance with development plan policies.

Archaeology:

- 9.143. The site is of archaeological interest due to its location in an area with evidence for activity from the prehistoric period onwards. The applicant has submitted a

Historic Environment Desk Based Assessment which sets out that there is some potential for early prehistoric material to have survived on site. Given the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, following consultation with the County Archaeologist, a programme of archaeological works with a written scheme of investigation is required and secured by condition.

Land Contamination:

- 9.144. It has been identified that the site has a history of uses that is likely to have resulted in potentially contaminated land. A desk-top Contaminated Land Report has been submitted. Given the proposed residential uses, further investigation works are required. The Environment Agency have recommended conditions which are considered appropriate to secure in this instance.

Waste Management:

- 9.145. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A Site Waste Management Plan (SWMP) is required by condition to demonstrate compliance with Policy WMP3d.
- 9.146. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details are required by condition.

Conclusion:

- 9.147. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.148. As noted previously the Council is currently unable to demonstrate a 5-year housing supply. Consideration is given to the acceptability of the principle of development with a substantial uplift in the indicated units numbers as set out in Policy DA8, SHJAAP Policy CA3 and emerging Policy H1 of CPP2.
- 9.149. In the current climate, this scheme would make a significant contribution to the housing shortfall and the provision of policy compliant affordable housing for the city. It is considered that there is considerable public benefit to be gained from the proposed 40% affordable housing provision. The development would provide suitable mix of office space and housing. This position would therefore demonstrably act to outweigh or counterbalance any the harm that was identified.
- 9.150. The proposed housing mix, which is skewed towards smaller units is justified on the basis on the site location and character as a flatted development. The significant uplift in the housing provision and the fact that is to be built as a 40% affordable scheme, is considered to more than compensate for the fact that there is a greater number of one and two bedroom flats and less 3 bed flats.

- 9.151. Although there are some deficiencies in terms of the ratio of single aspect units in Phase 1, it is considered that overall, the proposed development would provide an acceptable quality of accommodation and overall a positive residential environment. All Phase 1 units would have a balcony, and also direct access to the shared amenity spaces.
- 9.152. The proposal presents an opportunity to integrate the development into the existing urban environment providing connectivity and permeability along new north-south routes through the central space. The Outline primary north-south public spaces with east-west permeability enable significantly beneficial public realm. The Phase 1 building would provide a positive interface with Wellington Road and Camden Street and the design is considered appropriate in its context.
- 9.153. The proposed development would provide sustainable transport improvements including an acceptable provision of cycle parking and a Travel Plan which will offer a number of measures to reduce reliance on the private car. In addition, the applicants are agreeable to future proof the development for the provision of a segregated cycle path. The lack of car parking on site is considered acceptable as accessibility to public transport is excellent given the close proximity to the bus stop on the A259 and the train station being a short walk away. It is considered that the proposals would go some way towards mitigating against highway and traffic concerns. Overall, it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing and employment floorspace are such that they outweigh the perceived harm of parking overspill.
- 9.154. The proposed development provides the opportunity to maximise this important brownfield site of an appropriate scale and density, achieve a viable and deliverable scheme and the impacts must also be weighed against the positive benefits of the scheme and wider public benefits as well as acting as a catalyst for the visual improvement of the immediate area.
- 9.155. Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 9.156. The development generates the need for s106 contributions to offset and mitigate against pressures and needs of the development. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1.
- 9.157. Overall, it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the planning policy conflicts and the limited harm to the amenity of neighbouring occupiers. 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. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS

- 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 (Phase 1) is £426,703.11. 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. Phases 2 and 3 will be CIL chargeable at Reserved Matters stage.

11. EQUALITIES

- 11.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition, 5% of the new dwellings are to meet Wheelchair Accessible Standards.

12. S106 AGREEMENT:

- 12.1. 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 to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
 2. 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.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 4. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 5. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

6. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
7. The proposed development fails to provide required highway works on Lyon Close and Davigdor Road to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

Cllr. Leslie Hamilton

BH2020/01968 – Land And Buildings On Wellington Road And Camden Street And Former Flexer Sacks Factory On North Street

13th August 2020:

I write with regard to the above planning application. There seems to be an application form for phase 1 only, yet outline consent for phases 2 and are mentioned. Don't they need a separate application form?

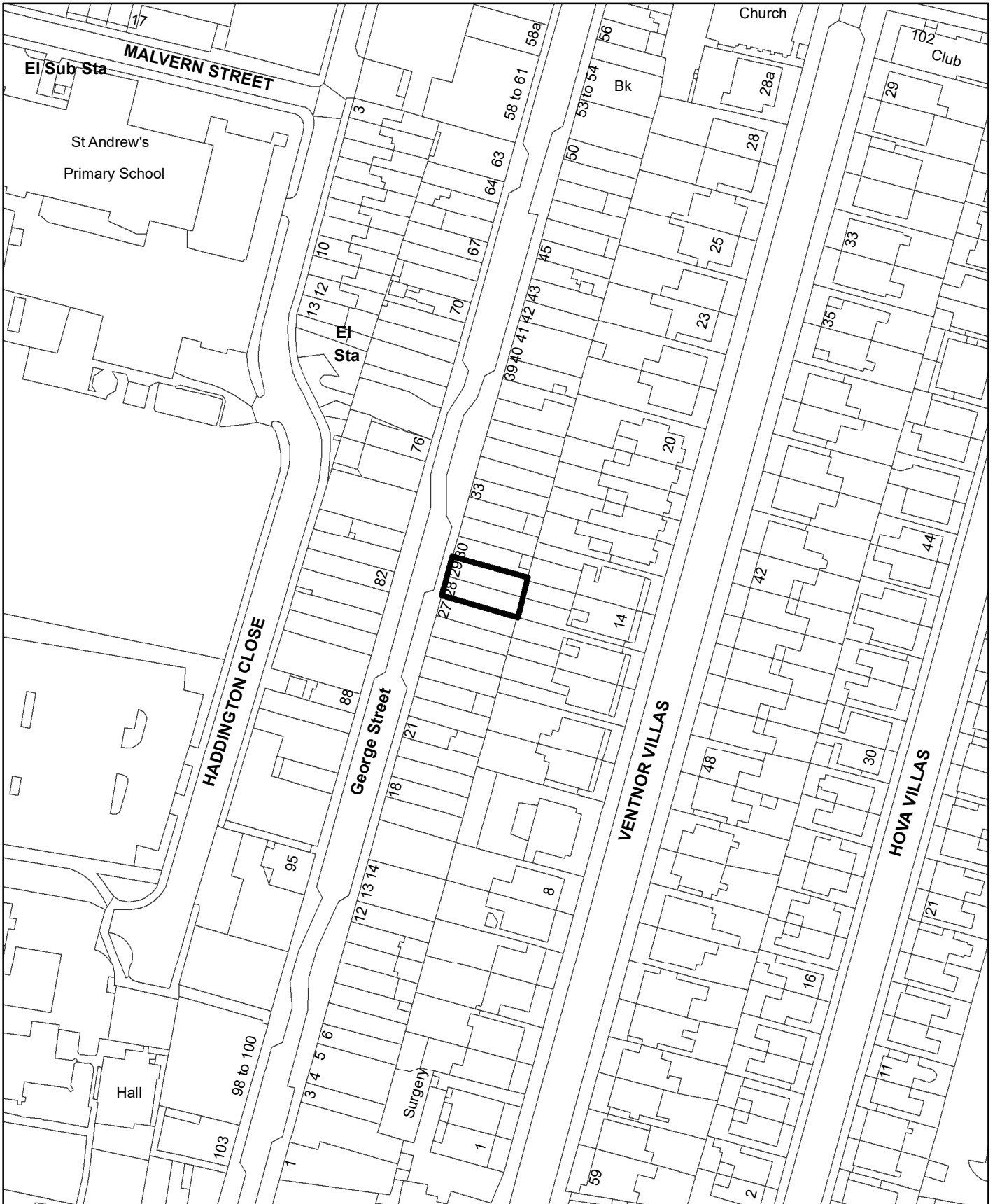
I have not had time to digest the 100+ documents but I am objecting on the grounds of insufficient parking, overdevelopment and too high with 11 storeys mentioned. I believe this application is a major and will come to committee anyway but I am requesting my three minutes to speak against the application.

ITEM C

**28-29 George Street
BH2021/00537
Full Planning**

DATE OF COMMITTEE: 5th May 2021

BH2021 00537 - 28-29 George Street



N



Scale: 1:1,250

<u>No:</u>	BH2021/00537	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	28-29 George Street Hove BN3 3YA		
<u>Proposal:</u>	Erection of a first-floor rear extension and the creation of 2no two-bedroom flats (C3) with first floor rear terraces & cedar fence screen, addition of ground floor residential entrance to front elevation and associated works.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	16.02.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	13.04.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	ECE Planning Limited Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road
<u>Applicant:</u>	Geneva Investment Group C/o ECE Planning Worthing BN12 4AP		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	3962-01	-	16 February 2021
Proposed Drawing	3962-04	D	16 February 2021

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

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

3. Notwithstanding the requirements of condition 5, the relevant external finishes of the development hereby permitted shall be as follows:

- painted render upon the first floor rear wall to match the appearance of that found on the existing building.
- Shop front and rear fenestration (not including rooflights) in powder-coated aluminium.

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

4. Prior to installation of the cedar screening hereby approved, full details of the colour and treatment to protect against weathering; and the method by which it is to be installed, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details, and thereafter retained.

Reason: To ensure a satisfactory appearance to the development, the preservation of the historic boundary wall, and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. One or more bee bricks shall be incorporated within the external rear wall of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.
4. 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 comprises a double-width, two-storey, terraced building on the eastern side of George Street, on the edge of, but not within, the Cliftonville Conservation Area.
- 2.2. The property is in retail use (Use Class E), with the first floor in use as an ancillary space. A Lawful Development Certificate has confirmed that the change of use of the first floor of the property to two dwellings (planning use class C3 flats), from space ancillary to the retail premises on the ground floor, is 'permitted development' (ref. BH2020/01697).

- 2.3. There is also extant planning permission for alterations to the shop front to create a separate residential entrance (ref. BH2020/03503), and for external alterations at first floor level at the rear including new fenestration and obscure screening around the edges of the existing terrace (BH2020/01791).
- 2.4. Permission is now sought for the abovementioned works under a single application. In addition, a single-storey extension at first floor level is proposed, as well as a loft conversion that would create additional floor space for both proposed residential flats.

3. RELEVANT HISTORY

- 3.1. **BH2020/03503** Installation of replacement shopfront, including separate residential entrance. Approved
- 3.2. **BH2020/01791** Installation of new window and door to the first floor rear elevation, removal of rooflights and erection of cedar fence screen to rear terrace. Approved
- 3.3. **BH2020/01697** Certificate of lawfulness for proposed change of use of first floor from retail (A1) to residential (C3) to create 2no flats. Approved

4. CONSULTATIONS

4.1. Heritage

No Comment

4.2. Private Sector Housing

No Comment

4.3. Transport - Verbal Comments

No objection. The Highway Authority requests that the scheme be made car free. It is not considered that policy-compliant cycle parking could be accommodated on site; it is also noted that communal parking is available in the local vicinity. The proposal is not considered likely to result in a significant increase in trip generation.

5. REPRESENTATIONS

- 5.1. **Twenty-two** letters have been received*, objecting to the proposal on the following grounds:
- The proposed development is inappropriate
 - Loss of privacy and light for properties on Ventnor Villas
 - Impact on historic fabric on George Street, historic boundary wall, and character of Cliftonville conservation area
 - The principle of residential units on George Street
 - Lack of outside amenity space for the residential units

- Lack of off-street parking
- Lack of fire escapes from the rear terraces
- View of the sunset spoilt by neighbours using the rear terraces
- Noise nuisance from use of the rear terraces
- Overflowing bins on Ventnor Villas
- Detrimental impact on property value
- Lack of contamination assessment to support the application
- Access to outside amenity space on other recently approved development along George Street was restricted by condition.
- Restricting the use of the terrace is now possible as the scheme includes 'new build' elements
- There is 'no requirement' for the rear-facing rooflights
- Harm to local wildlife

5.2. It should be noted that of the twenty-two letters which have been received, only five are from residents who are considered likely to be directly impacted upon by the proposal.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

SA6 Sustainable Neighbourhoods

CP1 Housing delivery

CP2 Sustainable economic development

CP8 Sustainable buildings

- CP9 Sustainable transport
- CP10 Biodiversity
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage
- CP19 Housing mix

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

- TR7 Safe development
- TR14 Cycle access and parking
- SU11 Polluted land and buildings
- QD5 Design - street frontages
- QD10 Shop Fronts
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

- WMP3 Implementing the Waste Hierarchy

Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission City Plan Part Two 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 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

- DM1 Housing, Accommodation and Community
- DM18 High quality design and places
- DM19 Maximising Development Potential
- DM20 Protection of Amenity
- DM21 Extensions and alterations
- DM23 Shop Fronts
- DM29 The Setting of Heritage Assets
- DM33 Safe, Sustainable and Active Travel
- DM36 Parking and Servicing
- DM37 Green Infrastructure and Nature Conservation

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of external alterations; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents and business-users; on the significance of the Cliftonville conservation area; and on the safety and capacity of the public highway.

Principle of Development

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. Much of the work required to bring forward the proposed development benefits from extant planning permission:
- The change of use class of the first floor level from commercial to residential has been confirmed as in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended) under application BH2020/01697.
 - The installation of timber screening along the eastern elevation has been granted planning permission under application BH2020/01791.
 - The alterations to the existing shop front including the provision of a separate residential entrance, have been granted planning permission under application BH2020/03503.
- 8.5. Therefore, the principle of the change of use of the upper floors to residential, the alterations to the shop front, and the installation of screening have all been approved.
- 8.6. Concerns have been raised in representations over the principle of properties along George Street being converted to residential use. These objections are noted but the wider principle cannot be considered in relation to this application which must be considered on its merits; and the conversion of shops to a mixed shop/flat use can, at any rate, be undertaken under 'permitted development' rights.
- 8.7. Other objections have been raised that the development will cause harm to the character of George Street as a busy shopping street. However, given that a commercial use would be retained at ground floor level, along with an improved

shop front, these concerns appear to be without merit. It is noted that there would be a loss of ancillary storage space on the upper level, but the ground floor is of sufficient size for a retail unit to operate without this area.

- 8.8. On this basis, the principle of the development is considered acceptable.

Design and Appearance

- 8.9. The proposed shop front and timber screening has previously been found acceptable and both benefit from extant planning permission; it is not considered necessary to reassess these aspects of the development at this time however it should be reiterated that they have an acceptable appearance and impact on the local built environment. The shop front would replace a non-original, low-quality shop front and is considered to represent an improvement to the George Street streetscene.

- 8.10. The two proposed rooflights on the front elevation would be small in scale and centrally located, and would not clutter, or otherwise harm the appearance of the building.

- 8.11. Objection has been raised to the three small rooflights on the rear roof slope, claiming that they are not required. However, the need for the rooflights is not a material consideration given significant weight in determining this application, given they would not be highly visible from the public realm and would not be considered to cause any harm to the character or appearance of the host building. Further, it is clear from the drawings that the rear rooflights provide necessary additional natural light to the proposed loft-level bedrooms and a staircase.

- 8.12. One objection has stated that an additional storey is proposed but this is not the case, and the proposed development would not increase the maximum height of the existing property. The existing loft level is proposed to be converted into habitable space, with the inclusion of a rooflight, to provide a second bedroom for both residential units proposed.

- 8.13. The proposed rear extension at first floor level would emulate the form of the existing non-original extension. It would not be visible from the public realm or any gardens on Ventnor Villas, and would add only 1.5m in depth to the existing building. It is considered that the additional visual impact, even when taking into account the large fenestration, would not be significant over what has previously been found acceptable on this site.

- 8.14. On this basis, the design and appearance of the scheme is considered acceptable.

Impact on Heritage Assets

- 8.15. When considering whether to grant planning permission for development within the setting of 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.

- 8.16. 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".
- 8.17. Concerns have been raised as to a loss of historic fabric on George Street. However, George Street is not within a conservation area and the host building has already been extended to the rear and lost its original shop front so it is not considered any 'historic fabric' would be lost, or that the works would cause any harm to the property in terms of its consideration as a heritage asset.
- 8.18. Issues regarding the impact of the development on the structural wellbeing of the historic boundary wall have again been raised by local residents. However, the impact of the proposed development is considered to be no greater on the wall than the approved development and this is not considered reasonable grounds for objection. Furthermore, safety of construction is a matter for Building Regulations and is not a material planning consideration.
- 8.19. The proposal would not have any significant additional impact on the character and appearance of the Cliftonville conservation area over that which currently benefits from extant permissions. The additional works to the rear (facing the conservation area) are not visible from the public realm and would preserve the significance of the designated heritage asset.
- 8.20. With regards to the screening to the rear of the proposed terrace areas, the officer report for BH2020/01791 states:

It is considered that some slight harm to the Conservation Area might occur as a result of introducing the cedar screening. However, any harm would be less than substantial, and in accordance with paragraph 196 of the NPPF the harm must be weighed against the public benefits of the proposal.

In this instance, it is considered that the benefit of ensuring that the two additional residential units added to the City's housing supply are of a sufficiently high standard of accommodation, and improve the amenity of the occupants, in accordance with policy QD27, is a public benefit which outweighs the slight impact upon the Conservation Area.

Concerns have been raised that by affixing the screening to the historic wall it would be more vulnerable to the wind. Whilst issues relating to safety of construction are a matter for Building Regulations and are not a planning consideration, maintaining the condition of the historic wall is desirable and details of the method of fixture of the screening (which may be to the floor level of the terrace rather than the wall itself) will be secured by condition.

- 8.21. These conclusions remain valid for the present scheme.

Impact on Amenity

- 8.22. As aforementioned, use of the entire terrace as amenity space associated with the lawful conversion of the first floor to residential use would be 'permitted development'. It is not disputed that such use may lead to a loss of privacy to

those using the gardens on Ventnor Villas, but the inclusion of the timber screening would mitigate this harm to an acceptable level. The benefit of reduced overlooking is considered to be outweigh the potential harm caused by overshadowing due to the additional height of less than 1m so the screen is, on balance, considered acceptable.

- 8.23. Objections based on noise nuisance have been received, but it is not considered the increase in noise would be sufficient to warrant refusal. and this is not reason to refuse planning permission. In addition, the council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 8.24. One objection has stated that their view of the sunset would be spoilt by the presence of residents of the proposed units making use of their rear terrace. Views such as this are not protected by the planning system and no weight is given to this issue.

Standard of Accommodation

- 8.25. 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, policy DM1 of CPP2 proposes to adopt them and can now be given significant weight.
- 8.26. Each new residential unit would have a gross internal area (GIA) of approximately 73m². This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 8.27. Both flats are laid out with one bedroom at first floor level and another in the loft-space. There are concerns about the latter bedrooms as the sectional drawing shows that the maximum internal ceiling height within the loft is approximately 1.8m underneath the roof-ridge. This would make the space uncomfortable for anyone not of very short stature and would not normally be acceptable as a habitable bedroom on its own merits. However, this must be weighed against the fact that use of the building for residential purposes is allowed as 'permitted development', and the scheme is considered to provide an improved standard of living over the extant permission. It is not, therefore, considered reasonable to refuse the planning application on these grounds.
- 8.28. One letter objection raises the lack of outdoor amenity space for first floor flats along the west side of George Street, and also on the grounds that the proposed extension would reduce the outside amenity space of the application site. As abovementioned, each planning application is assessed on its own merits. The application site benefits from the existing rear terrace which offers acceptable outside amenity space even with the slight reduction in overall area brought on by the rear extension. Concerns that future residents would suffer from a lack of outside amenity space are not shared by the LPA.

- 8.29. It should also be reiterated that the principle of the change of use has been agreed and it would not be reasonable to withhold planning permission on grounds of the standard of accommodation, given that the majority of the changes can take place without express planning permission from the Local Planning Authority. The proposed layout would provide additional internal floor space and therefore an improved standard of accommodation than would be provided under the extant permissions or as 'permitted development'.

Impact on the Highway Capacity and Road Safety

- 8.30. The increase in the number of residential units and lack of off-street parking may exacerbate existing reported parking stress in the area. It is not considered appropriate to impose the car-free condition requested by the LHA because an increase in residential units has already been allowed under 'permitted development' rights, and parking in the local area and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone.
- 8.31. Policy-compliant cycle parking does not appear to be possible on this site given that both residential units are located at first floor, and there is no ground floor space great enough to accommodate cycle parking. However, it is noted that communal cycles are available in the area and the lack of cycle parking is not reason to withhold planning permission.

Equalities

- 8.32. Neither residential unit would be suitable for occupation by persons with a mobility-related difficult but given the small scale of the development and the fact that it is conversion of an existing building, this is not reason to withhold planning permission in this instance.

Other Considerations

- 8.33. One letter of objection has raised an issue that no contamination report has been received to support the application. No significant below-ground works are proposed; moreover, as abovementioned, safety during construction including the handling of dangerous building materials such as asbestos would be managed through other legislative regimes and is not a reason to withhold planning permission.
- 8.34. One letter of objection has stated that, according to their understanding of the Officer Report for application BH2020/01697, access to the rear terrace could not be restricted by condition as the proposal was not a 'New Build', The rear flat roof, proposed to be used as a roof terrace, is an existing structure and unrestricted use of it for residential purposes would be lawful as part of the residential conversion allowed through 'permitted development' rights. A condition cannot therefore be imposed.
- 8.35. Concerns have been raised over the increased pressure on rubbish bins in Ventnor Villas, but the scheme would not exacerbate this issue, particularly as the site is accessed from George Street.

- 8.36. Concerns have again been raised that the proposed residential units lack means of escape in the event of a fire. but this is a matter for Building Regulations.
- 8.37. Concerns have again been raised that the proposal will threaten the continued existence of the green corridor running down the rear of Ventnor Villas. This was rejected as a reason to withhold planning permission for the timber screening under application BH2020/01791 and no evidence has been submitted that would suggest this position requires reassessment at this time.
- 8.38. 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 suitably-worded condition will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.

Conclusion

- 8.39. The principle of the creation of two flats at first floor level is granted automatic planning permission under the provisions of the GPDO. The changes to the shop front and the installation of timber screening to the rear benefit from extant planning permission. The additional works, namely a 1.5m rear extension and the installation of several rooflights, are not considered to cause any harm to the character and appearance of the building or wider streetscene, including the Cliftonville conservation area. The works are not considered to cause any significant additional harm to the amenities of local residents; nearly all the issues raised as a result of public consultation repeat what were raised under a previous application that was approved by the Planning Committee.
- 8.40. The standard of accommodation is considered to be substandard due to the low ceiling of the bedrooms within the loft-space. However, the conversion to residential accommodation is allowed under 'permitted development' rights, and the current proposal would result in an improved standard of living over the extant permission. This is not therefore considered reasonable grounds to withhold planning permission.
- 8.41. All previous planning conditions attached to extant permission that remain relevant shall be attached to any new permission in order, among other things, to ensure a good quality appearance and mitigate as far as possible the detrimental impacts on local residents.
- 8.42. For these reasons the proposal is considered to be in accordance with policies QD5, QD10, QD14 HO5 and HE6 of the Brighton and Hove Local Plan; CP1, CP2, CP9, CP10, CP12, CP13 and CP15 of the City Plan Part One; and DM21, DM23, DM29 and DM36 of the City Plan Part Two.

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 23rd July 2020 and

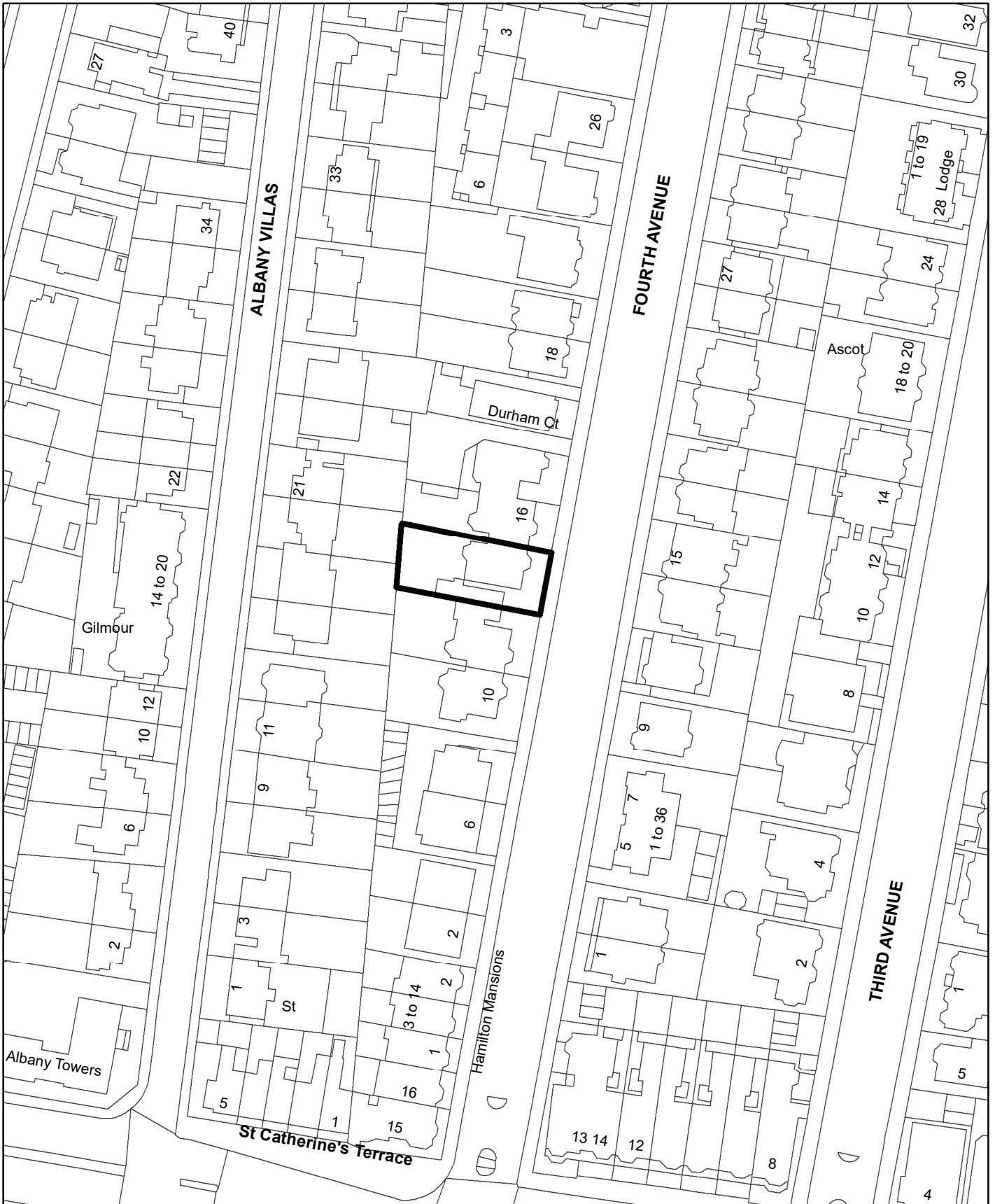
began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £8419.72. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

ITEM D

**Ground Floor Flat, 14 Fourth Avenue
BH2021/00654
Full Planning**

DATE OF COMMITTEE: 5th May 2021

BH2021 00654 - Ground Floor Flat, 14 Fourth Avenue



Scale: 1:1,250

<u>No:</u>	BH2021/00654	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Ground Floor Flat 14 Fourth Avenue Hove BN3 2PH		
<u>Proposal:</u>	Alteration and conversion of existing garage and kitchen, including single storey side linkway extension, installation of 3no rooflights, and associated alterations.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	25.02.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	22.04.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Daintree Design Brighton BN1 1YR	Daintree Design Tower Point	44 North Road
Applicant:	Mr & Mrs Ferguson Ground Floor Flat 14 Fourth Avenue Hove BN3 2PH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	D2028-150	-	25 February 2021
Proposed Drawing	D2028-250	-	25 February 2021
Proposed Drawing	D2028-251	A	6 April 2021
Proposed Drawing	D2028-252	A	6 April 2021
Proposed Drawing	D2028-350	B	12 April 2021
Proposed Drawing	D2028-450	A	6 April 2021

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

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

3. The fenestration on the rear elevation hereby permitted shall have aluminium frames painted/coloured white.

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

4. Prior to installation of the new fenestration on the principle elevation hereby permitted, full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles shall be 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. Prior to installation of the new link structure hereby permitted, full details of the proposed works, including 1:20 scale sample elevations and 1:1 scale joinery profiles shall be 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.

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 to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a three-storey over basement historic building on the west side of Fourth Avenue within The Avenues conservation area.
- 2.2. Planning permission is sought for minor external alterations to replace an existing side garage with kitchen to the rear, with a workshop, kitchen and bathroom. The external works include front and rear fenestration changes, the installation of two roof lanterns and a rooflight, and the remodelling of a link structure leading from the garage to the main building.
- 2.3. The proposal has been amended during the lifetime of the application, removing a pitched roof-form and amending the proposed fenestration design.

3. STATEMENT OF SIGNIFICANCE

- 3.1. Architecturally, the Avenues Conservation Area includes a variety of styles due to the changes in taste that took place during the slow pace of development. In general, the character and appearance of the area which it is important to preserve or enhance, is of 3 and 4-storey terraced or semi-detached properties, mostly yellow brick with slate roofs.
- 3.2. In Fourth Avenue, the northern part is predominantly red brick and tile with decorative white timber detailing; however the subject property, along with the southern part of the road, is yellow brick. Fancy brickwork, bays, balconies, and canopies feature strongly, and boundaries are marked by low walls, some with railings.
- 3.3. Number 14 is part of a group of villas (numbers 10 - 16), visually linked at ground floor level as pairs with narrow mono-pitched conservatory structures extending to the party boundaries, and originally more generous spacing between the two pairs, however this space has been significantly reduced between nos.12 and 14 by the 4 storey extension at no 12.

4. RELEVANT HISTORY

- 4.1. **3/84/0502** Conversion of basement flat to form one self-contained flat and one self-contained bedsit. approved

5. CONSULTATIONS

Conservation Advisory Group

- 5.1. [Expected prior to Committee - meeting to be held on 4th May]

Heritage

- 5.2. This application concerns the addition of a pitched roof and rooflights to the existing single storey garage and kitchen area behind (associated with the accommodation in the ground floor of the original villa), conversion of the garage to living accommodation, and construction of a new link to the main part of the flat closer to the front of the building.
- 5.3. The existing kitchen is in what appears to be an extension of the garage structure. This extends the ground floor well beyond the general alignment of the rear of this group of buildings.
- 5.4. A small number of properties in Fourth Avenue have garages, however they are not a typical feature of the street. Although clearly an intervention, at present the garage frontage has a low/moderate impact on the street scene from the road due to its scale and appearance.
- 5.5. It is not entirely clear how the proposed link will appear from the public realm - there is no detailed elevation of this, however the plan shows an aluminium-framed window to be proposed. Further information would therefore be necessary to provide a comment on this aspect.

- 5.6. It is considered that the proposal to add a steep pitched roof to the garage would significantly increase the prominence of this structure in the street scene. The added height increases the visibility of the structure and the proposed roof form would be an uncharacteristic feature compared to other single storey structures in the street.
- 5.7. The proposed four-leaf screen/door arrangement proposed for the workshop/studio would have proportions atypical of the road generally and would therefore have the potential to increase the impact of the structure in the street scene.

Additional comments following amendments to the design

- 5.8. Revised plans deleting the proposal for a pitched roof and adding roof lanterns for the provision of natural light resolves concerns regarding the added scale and prominence of the structure as originally submitted.
- 5.9. No additional information has been provided to assist assessment of the appearance of the link structure from positions where it will be visible. Details such as the window frame size and profiles, depth of reveal and render finish can be conditioned to ensure an acceptable appearance therefore unless this information is provided at this stage acceptable details can be secured from an approval of details application.
- 5.10. Revised drawing D2028-B has been submitted to better reflect the garage door appearance as advised, and subject to appropriate joinery details (can be conditioned) this is now considered acceptable.

Transport

- 5.11. No objection subject to cycle parking being secured by condition. The proposal is not considered likely to result in a significant increase in trip generation.

6. REPRESENTATIONS

- 6.1. Nineteen letters have been received*, objecting to the proposal on the following grounds:
- Loss of light/overshadowing from the proposed pitched roof-form**
 - Loss of privacy due to the proposed rooflights**
 - The pitched roof-form is not in keeping with the character of the conservation area**
 - The rear windows are not in keeping with the character of the conservation area
 - The proposed link structure will result in the loss of a window
 - The proposal would infringe on 'Right to Light'
 - Disruption from construction work
 - The sectional drawing is misleading
- 6.2. One letter has been received, in support of the proposal on the following grounds:

- The existing garage is of no architectural merit
- The proposed pitched roof-form would be an improvement
- The proposed front doors would be an improvement
- The proposed link structure would enhance the connection between the garage structure and the main building

**It should be noted that of the objection letters received, only twelve are from addresses considered likely to be materially impacted upon by the proposed development.*

***The proposal has been amended since receipt of these letters of objection, removing these aspects of the development.*

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

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

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

TR7	Safe development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission City Plan Part Two 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 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM36	Parking and Servicing

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the development; the impact on the amenity of local residents; impacts on the significance of The Avenues conservation area; and road safety/highway capacity.

Design and Appearance

- 9.2. The proposed replacement doors fronting the streetscene would be similar in general appearance to the existing, and those on the adjacent property, and would be in keeping with the character of the streetscene. It is recommended that further details are secured by condition in order to ensure a satisfactory appearance.
- 9.3. The proposed link structure would be visible from certain angles from the public realm, but it is set midway down the length of the garage which would reduce its visual impact. It is recommended that further details are secured by condition in order to ensure a satisfactory appearance.
- 9.4. The proposed rooflights would be set back from the front of the garage and concealed to an acceptable degree by the existing parapet wall, so are considered acceptable in terms of design and appearance.
- 9.5. The changes to the rear of the property would involve only alterations to fenestration. The rear of the garage is clearly non-original, and the installation of

bi-folding doors is not considered to cause any additional harm to the character of the building or wider area.

- 9.6. Concerns have been raised that the link structure would result in the loss of a stained glass window. However, the agent has clarified that the windows that would be lost do not have stained glass. The window referred to in the objection would be unaffected by the proposed works.
- 9.7. The development is therefore considered acceptable in terms of its design and appearance.

Impact on Heritage Assets

- 9.8. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.9. 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".
- 9.10. Subject to further details on the front doors and link structure, which can be secured by condition, it is considered that the works would preserve the character and appearance of The Avenues conservation area. The elements of the scheme considered harmful have been removed at the request of the Local Planning Authority.

Impact on Amenity

- 9.11. The amended scheme would not result in any significant increase in the scale of the building and would not result in any loss of light or overshadowing for local residents. The bi-folding doors to the rear would not result in any increase in overlooking beyond that which is already possible from the rear garden.
- 9.12. Concerns have been raised that the proposal would impact on local neighbours' Right to Light. Notwithstanding the fact that the proposal, now amended, will not result in any additional overshadowing, a Right to Light is a civil matter and not a material planning consideration.
- 9.13. The development is therefore considered acceptable in terms of its impact on amenity.

Impact on the Road Safety/Highway Capacity

- 9.14. The proposal would result in the loss of a garage, but would retain a front driveway which would provide an off-street parking space. It is not considered that the proposal would lead to any harmful overspill parking onto the public highway since there would be no increase in occupancy of the building, and this could, at any rate, be managed through the existing Controlled Parking Zone.
- 9.15. The Highway Authority have requested secure cycle parking be secured by condition, but it is not considered that this would be reasonable given the scope of development.

Equalities

- 9.16. None identified

Other Considerations

- 9.17. Concerns have been raised regarding disturbance caused by the building works themselves. This has the potential to be inherent in all development and is not reason to warrant refusal of planning permission.
- 9.18. One letter of objection has asserted that the proposed sectional drawing is misleading and that local residents may not understand the difference between a sectional drawing and a standard elevational drawing. However, the drawing is considered to be accurate and clear.

Conclusion

- 9.19. The proposal has been amended during the lifetime of the application and has overcome initial concerns from the Local Planning Authority. The proposal would have an acceptable impact on the local area and the amenities of local residents. For these reasons the proposal is considered to be in accordance with policies QD5, QD14, QD27 and HE6 of the Brighton and Hove Local Plan; CP12 and CP15 of the City Plan Part One; and emerging policies DM20, DM21 and DM26 of the City Plan Part Two (which can all be given significant weight).

ITEM E

**Land To The North Of 11 Grand Avenue
BH2021/00037
Full Planning**

DATE OF COMMITTEE: 5th May 2021

BH2021 00037 - Land To The North Of 11 Grand Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2021/00037	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To The North Of 11 Grand Avenue Hove BN3 2LF		
<u>Proposal:</u>	Demolition of existing garage and erection of a one storey office building (Class E) with basement level and associated works. (revised description)		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	15.01.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	12.03.2021
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	Whaleback Planning & Design The Old Bank 257 New Church Road Hove BN3 4EE		
<u>Applicant:</u>	Legal Link Ltd C/o Whaleback Planning & Design The Old Bank 257 New Church Road Hove BN3 4EE		

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
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2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development above ground floor slab level of any part of the development hereby permitted shall take place until details 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):
- details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - details of all cladding to be used, including details of their treatment to protect against weathering
 - details of all hard surfacing materials
 - 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 and 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 level shall take place until full details including sections and large scale elevations of all architectural features have been submitted to and approved in writing by the Local Planning Authority. 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.
5. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.
Reason: To enhance the appearance of the development in the interests of the visual and residential amenities of the area and highways safety, and to comply with policies TR7, QD14, QD27 and HE6 of the Brighton & Hove Local Plan and CP9, CP12 and CP15 of the Brighton & Hove City Plan Part One.
6. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Very Good and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
7. The development hereby permitted shall not be occupied until the redundant vehicle crossover has been converted back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
8. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to the site of a single-storey garage on the eastern side of Grand Avenue, abutting the flank wall of 12 Grand Avenue, within The Avenues Conservation Area. The garage is unlisted, however the Grade II listed 11 Grand Avenue is located adjacent to the south, and the Grade II listed 10 Grand Avenue is located to the rear (east).

3. RELEVANT HISTORY

- 3.1. PRE2019/00286 - Erection of a three-storey building following the removal of existing garage, to form office space at lower ground and ground floor level, and 1no. one bedroom maisonette at first and second floor levels.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing garage and the erection of a single-storey office building (Class E) with basement level and associated works. The application initially proposed a two-storey building; however the scheme has been amended following the comments of the Heritage team.

5. REPRESENTATIONS

- 5.1. **Twelve (12)** letters of objection were received following the consultation for the initial scheme which ran until 9th February 2021. The letters raised the following points:
 - Negative impact upon conservation area
 - Additional traffic
 - Overdevelopment
 - Noise
 - Office development inappropriate in this location
 - Squeezed appearance
 - Close proximity to listed buildings
 - Commercial premises should not front onto Grand Avenue
 - No need for more offices
 - Approval would set a precedent
 - Loss of property value

- 5.2. **Six (6)** letters of objection were received during the second consultation period for the revised (single-storey) scheme. No additional points were raised which have not been summarised above.

6. CONSULTATIONS

Economic Development: No comment received

Environmental Health: No comment received

6.1. **Heritage:** Objection

The proposal to develop this site with a two storey building within the height of 2½ storeys of the adjacent property, whilst mimicking the proportions of the windows at a smaller scale is not considered successful. It remains the view of the heritage team that a single storey building would allow a sufficient gap between nos 11 and 12 to allow appreciation of the historic development pattern at this location and to better respect the setting of the listed building.

6.2. **Heritage:** Update following amendments: No Objection

A revised scheme comprising a single storey above ground extension and amended detailing has been submitted. It is considered that the lower overall height, omission of the southern quoin detail and enlargement of the window openings successfully resolves the heritage concerns regarding scale and proportions, and the heritage team is now able to support this application in principle.

- 6.3. Further information on materials and all architectural details will need to be provided for consideration, however these can be secured by condition.

6.4. **Planning Policy:** No comment

6.5. **Southern Water:**

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.6. **Sustainable Transport:** No objection

No objection subject to securing the reinstatement of the vehicle crossing back to a footway and further details of boundary treatments by condition.

6.7. **Conservation Advisory Group:** (Initial two-storey scheme) (Objection)

- The proposal will look out of place next to Grade II No 11 Grand Avenue
- Because of its proposed height and the narrowness of the site the proposal will remove the demarcation view between No11 and No12. Both of

different styles, Arts and Crafts for the former and High Victorian Willett Built No 12.

- The attractive rustication on the south side of No 12 will be compromised and partially covered up.
- This part of Grand Avenue, with the War Memorial centrally located in front of the proposed site, is sited at the quintessentially "Spine of Historic Hove" this view has not been altered since the 1900's
- The proposal will not enhance The Avenues CA

6.8. CAG have not commented on the revised single-storey scheme.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 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
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM11	New Business Floorspace
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposals, the impact upon neighbouring amenity, and on highway capacity and road safety.

Principle of Development:

- 9.2. No objection is raised to the demolition of the existing garages in principle.

- 9.3. The proposal as amended would result in the provision of approx. 41sqm of additional office (Class E) floorspace, plus 26sqm additional storage space in the basement.
- 9.4. The provision of additional employment floorspace would accord with the objectives of Policies CP2 and CP3 of the CPP1 to encourage economic growth and support the attractiveness of the city as a business location.
- 9.5. Saved policy EM4 of the BHLP states that "Planning permission will be granted for new business and industrial uses on unidentified sites within the built up area boundary provided that:
- 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.*
- 9.6. Office space has historically been in very high demand in the city, and whilst the ongoing pandemic has resulted in a downturn in demand, it is anticipated this will be temporary. There is therefore considered to be a demonstrable need for new business premises, so criterion EM4(a) is met.
- 9.7. The site is centrally located near to sustainable modes of transport including bus stops and train stations. EM4(b) is considered to be met.
- 9.8. No residential accommodation or open space/nature conservation sites would be lost so there is no conflict with criteria EM4(c) or (d). EM4(e) and (f) are considered in the appropriate subsequent sections of this report, concluding that the criteria would be met. Whilst no landscaped open amenity space is provided, the small scale of the proposal and the limited area of the site mean this would not be required in this case.
- 9.9. Draft Policy DM11 of the Proposed Submission City Plan Part Two is currently given only limited weight.
- 9.10. The proposed replacement of a garage with an office building is therefore considered to be acceptable in principle, and to comply with the relevant policies in the development plan.

Design and Appearance:

- 9.11. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.12. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.13. No objection is raised to the removal of the existing garage structure, which does not contribute positively to the character and appearance of The Avenues Conservation Area or to the setting of the nearby listed buildings.
- 9.14. The proposal has been amended since the initial submission following the concerns of the Heritage team, and the built form proposed is now of a single-storey scale. Additionally, the quoining details have been removed and the window sizes have been enlarged.
- 9.15. The proposal would extend approx. 4.4m from the flank wall of no. 12 Grand Avenue. This would be an increase on the scale of the existing garage by approx. 0.8m in width, although the surrounding white-painted hoarding structures are of a comparable width to the proposal, and an increase in height to approx. 4.6m at the parapet, 1.9m greater than existing. The proposed Grand Avenue frontage would have 2no sash windows of similar proportion and style to those of no. 12, though slightly smaller in size.
- 9.16. As amended, it is considered that the scale and proportions of the proposed building would be acceptable, subject to securing details of materials and architectural detailing by condition.
- 9.17. It is recognised that the proposal includes a significant increase in height compared to the existing structure; however this is necessary in order to achieve a satisfactory integration with the adjoining building. As a single-storey form would be retained, the spacing and relationship between the adjacent buildings would not be compromised.
- 9.18. Overall, it is considered that the character and setting of the nearby heritage assets would be sustained, with the proposal reducing the harm to the surrounding heritage features compared to the existing garage and hoarding.
- Impact on Amenity:**
- 9.19. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 9.20. It is considered that whilst the scheme would be taller than the existing structure and come closer to the neighbouring windows, due to its single-storey scale, and sufficient spacing being retained (4.8m to the building to the rear and 3.2m to the building to the south) there would not be a significant impact in terms of additional overshadowing, overbearing impact or sense of enclosure for neighbouring properties. This is particularly the case when compared to that arising from the bulk of the four-storey no. 12 and the buildings on the southern side of Church Road.
- 9.21. Some additional activity and associated noise may arise from the proposed office use compared to the existing garage, however given typical daytime office hours and the central location of the city near to busy traffic thoroughfares, there is unlikely to be a significant harmful impact upon neighbouring amenity in terms of noise disturbance.

Road Safety and Highway Capacity:

- 9.22. The proposal is unlikely to give rise to a significant uplift in trip generation.
- 9.23. As set out above the site is well located for sustainable modes of transport, in a Key Public Transport Corridor with good bus and train links.
- 9.24. No on-site car parking is proposed and this is in accordance with SPD14 standards.
- 9.25. The proposal includes a bike store in the basement storey. Whilst not fully compliant with SPD14 due to its somewhat inconvenient location down a flight of stairs, given the site's constraints this is considered to be an acceptable compromise. It is noted that there are secure public cycle parking and bike-share facilities nearby.
- 9.26. The Local Highways Authority (LHA) have requested a condition securing details of boundary treatments to the front of the site to ensure pedestrian permeability and prevent on-site vehicle parking, and a condition to this effect is recommended. The requirements from a sustainable transport standpoint will need to be balanced against the visual impact and historic appropriateness of any proposed front boundary treatments.
- 9.27. A condition is recommended to secure the reinstatement of the vehicle crossover back to a footway prior to occupation and to ensure a licence is obtained for this from the Local Highways Authority.

Sustainability:

- 9.28. A BREEAM 'very good' standard can be secured by condition in accordance with policy CP8 of the CPP1.

Impact on the setting of the adjacent listed buildings:

- 9.29. The scale of the existing garage does not significantly impinge on the gap in built form between the adjacent listed buildings to the north and south. A two-storey scheme as originally proposed would have resulted in an unacceptable harm, inter alia, to the setting of the adjacent listed buildings, however the amended

single-storey scheme as now proposed would retain a sufficient visual break between nos. 11 and 12 to allow continued appreciation of the historic development pattern at this location and would sustain the setting of the adjacent listed buildings.

Other Considerations:

- 9.30. 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.

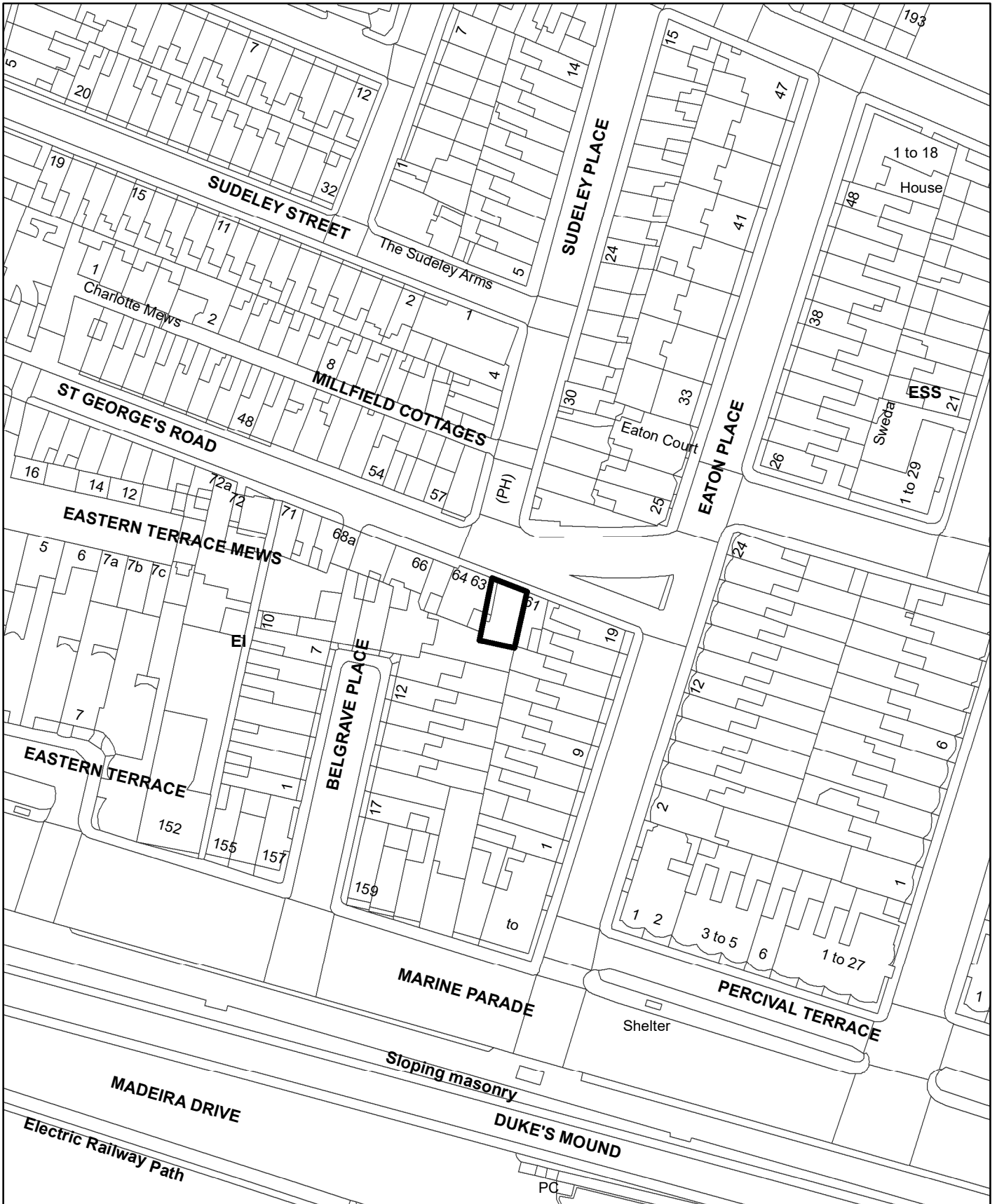
10. EQUALITIES
None identified

ITEM F

**62 St Georges Road
BH2020/03793
Full Planning**

DATE OF COMMITTEE: 5th May 2021

BH2020 03793 - 62 St Georges Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/03793	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	62 St George's Road Brighton BN2 1EF		
<u>Proposal:</u>	Change of use from builder's' store with living space (Sui Generis) to form a ground floor commercial unit (E) and 3no self-contained residential flats (C3). Roof extension to form additional storey, revised fenestration, replacement of shop front and associated works.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	22.12.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	16.02.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr B Mitchell C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	TA 1293/05	-	22 December 2020
Proposed Drawing	TA 1293/10	C	9 April 2021
Proposed Drawing	TA 1293/11	C	19 April 2021
Proposed Drawing	TA 1293/12	E	19 April 2021
Proposed Drawing	TA 1293/13	C	9 April 2021
Proposed Drawing	TA 1293/14	C	3 February 2021
Proposed Drawing	TA 1293/15	B	3 February 2021
Proposed Drawing	TA 1293/16	B	3 February 2021
Proposed Drawing	TA 1293/17	D	9 April 2021
Proposed Drawing	TA 1293/18	D	9 April 2021

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

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

3. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
4. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.
5. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
6. Access to the flat roof areas at first and second floor level hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: 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 and in order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
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. With the exception of a gymnasium use, all activities and operations associated with the Class E use permitted on the ground floor shall take place only between

the hours of 07.00 and 23.00 hours on Mondays to Sundays including Bank or Public Holidays.

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.

9. With the exception of a gymnasium use, no customers shall remain on the premises in the Class E use permitted on the ground floor outside the hours of 07.00 to 23:00 daily and no activity within the site shall take place between the hours of 23.00 and 07.00 daily.

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

10. The use of the ground floor of the site for a gymnasium use with Class E shall not be carried out except between the hours of 07:00 and 19:00 on Mondays to Fridays, 08:00 to 17:00 on Saturdays and Sundays and at no time on Public Holidays.

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

11. Amplified music or other entertainment noise from within the ground floor premises within Class E use shall not be audible beyond the site, or in the residential premises above.

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

12. No alcohol shall be sold or supplied on the ground floor of the premises hereby permitted within Class E except to persons who are taking meals on the premises and who are seated at tables.

Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the building and within the vicinity of the site and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

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

3. External ventilation could be required. In the absence of any further information in this respect, it cannot be confirmed whether such alterations would be acceptable to the Local Planning Authority. In the event of an external system, a further application for planning permission would be required for this installation.
4. The applicant should be aware that whilst planning permission may be granted, this does not preclude the Environmental Protection department from carrying out an investigation in line with the provisions Environmental Protection Act 1990, should any complaints be received with regards to noise and/or odour from the premise.

2. SITE LOCATION

- 2.1. The application relates to a two storey terrace property, located on the south side of St George's Road. The property is in use as a builder's' store at ground floor level, with a connected residential use (two storey flat) above. The application site lies outside the St George's Road Local Centre, and forms part of a 'Local Parade' as designated within the Brighton & Hove Local Plan.
- 2.2. The site lies within the East Cliff Conservation Area.

3. RELEVANT HISTORY

None.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks consent for the change of use from a builder's' store with living space (Sui Generis) to form a ground floor commercial unit (E) and 3no. self-contained residential flats (C3). Permission is also sought for a roof extension to form an additional storey, revised fenestration, the replacement of the shop front and associated works.
- 4.2. During the course of the application the proposal was amended by omitting a ground floor studio unit, amendments to the layout of the first floor studio unit and design changes to the front elevation. The front terrace was removed in response to comments from the heritage team in design terms and the rear terrace was removed by the request of the agent.
- 4.3. Eighteen (18) letters of representation have been received objecting to the proposal for the following reasons:
 - Overshadowing
 - Overbearing
 - Loss of light
 - Overlooking
 - Loss of privacy
 - Poor design/not in keeping

- Detrimental effect on conservation area and historic importance of coach house
- Health and safety
- Units could be used as AirBnB/holiday lets
- The building should be protected
- Impact on the properties to the rear
- Noise disturbance
- Traffic and parking issues
- Refuse issues
- Carbon footprint
- More creative repurposing of the site should be encouraged
- Fire regulations and access issues
- Reduced security
- Surface water
- Standards poor in ground floor unit
- Building works disruption
- Inaccuracies in plan
- Consultation not carried out

- 4.4. One (1) letter of representation has been received in support of the application for the following reasons:
- Enhance and preserve the streetscape
 - Meet needs of small local businesses
 - Benefit the neighbourhood
 - Provide needed residential units

5. CONSULTATIONS

- 5.1. **Heritage:** No Objection
Initial concerns over lack of detail, but revised scheme satisfactory.
- 5.2. **CAG:** Objection
Visual impact and design concerns. The present proposal will harm this attractive historic building and will not enhance the East Cliff conservation area.
- 5.3. **Sustainable Transport:** No objection
No objection subject to recommended conditions.

6. MATERIAL CONSIDERATIONS

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

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 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. The weight given to the key CPP2 policies considered in determining this application is set out below:

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP3	Employment Use
CP4	Retail Provision
CP8	Sustainable Buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing Mix

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
QD5	Design
QD10	Shopfronts
QD27	Protection of amenity
HO5	Provision of Private Amenity Space in Residential Development
HO8	Retaining Housing
SR7	Local Parades
HO13	Accessible housing and lifetime homes

HE 6 Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two (CPP2) (emerging)

DM1	Housing Quality, Choice and Mix
DM2	Retaining Housing and residential accommodation (C3)
DM13	Important Local Parades, Neighbourhood Parades and Individual Shop Units
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM23	Shop Fronts
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Document:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, design and appearance of the proposal and the impacts of the proposal on the character and appearance of the conservation area, related streetscene and wider area, standard of accommodation, impact on amenity, highways and sustainability.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 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:

- 8.4. The application site forms part of a 'Local Parade' as designated within the Brighton & Hove Local Plan, describing 'a cluster of 3 or more retail units that are capable of serving a local convenience need'. The unit is part of a terrace of commercial units on the south side of St George's Road.

- 8.5. This site as existing is currently vacant and was last in use as a builder's store, with the existing first floor residential unit accessed from the builder's yard. The site is currently in sui generis use (i.e. not falling into any use class), with the builder's store, a mixture of storage and servicing of tools, and the flat above dependant on the store at ground floor.
- 8.6. The scheme proposes to provide commercial use at ground floor level, so there would be no loss of employment floorspace, and potentially an increase in employment on the site, in accordance with City Plan Policy CP3.
- 8.7. A Class E use is proposed for the ground floor of the property. The revised Use Class E was introduced from 1 September 2020 and covers uses previously defined in the revoked Classes A1 (retail) /A2 (professional/financial) /A3 (cafes/restaurants), B1 (business/light industrial), D1(a-b)(clinics/creches and 'indoor sport' from D2(e). The operation of a Class E use within the unit would allow flexibility and is considered to be compatible with the site's location in a commercial area, subject to appropriate conditions to control the use type.
- 8.8. Overall, the proposed use would not result in a net loss of retail uses and would attract pedestrian activity to the area and maintain a healthy balance and mix of uses. The proposal would ensure a viable retail unit with an active frontage is provided and would not be contrary to policy SR7.

Design and Appearance:

- 8.9. CPP1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 8.10. Policy CP15 of CPP1 states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings.
- 8.11. Policy HE6 of the Local Plan explains how proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms.
- 8.12. When considering whether to grant planning permission for development which affects a conservation area or its setting the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area or any features of special architectural or historic interest which it possesses. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".

- 8.13. The building is an historic property which has retained its original three-over-six sash windows at first floor level, with parapeted stucco rendered façade and timber bi-fold doors at ground floor level which may be of historic interest. The property has undergone alterations to the ground floor shopfront which has eroded its architectural detailing, however it is still considered to make a positive contribution to the street scene. The building is situated as part of a varied range of properties which include canted bays and flat facades, some with historic shopfronts, which sit directly against the footway.
- 8.14. The properties to the west, on the same side of the road, are generally two storeys in height, although the neighbouring property has been extended by an additional storey contained in a mansard roof, which is considered to negatively impact upon the building and the visual quality of the streetscene. To the east, the properties are of three and four storeys, and are buildings of 'transitional aesthetic quality', being the lesser elevations of the listed and architecturally exceptional terraces aligned to Eaton Place, of four storey (plus basement) height.
- 8.15. The building is a historic property which makes a positive contribution to the area and as such any proposed alteration to the exterior which is visible from the streetscene should respect the special character of the area and East Cliff conservation area.
- 8.16. The site is at a transitional point in terms of the recognised forms, the buildings to the east being of larger scale and architecturally more ornate where the facades represent the side elevation of the highly decorative and notable listed terraced properties aligned to Eaton Place. The proposed front elevation steps down from the immediate property to the east and the height of the roof extension finishes beneath the projecting cornice of the neighbouring building providing a suitable stepped relationship with the adjoining eastern property.
- 8.17. During the course of the application the design of the front elevation has been amended to include a number of alterations to the overall design and height of the proposal and to make reference to the existing painted render on the building. The main alterations include reducing the height of the extension beneath the projecting cornice of the neighbouring building, the provision of the shopfront fenestration in keeping with traditional mews appearance and joinery, omitting the French doors and balustrade at second floor level and the retention of the existing sash window pattern and amendments to the door to the covered walkway.
- 8.18. The proposed design of the rear elevation, incorporating an additional storey, rear projection and fenestration detailing would be acceptable in design terms. The rear elevation currently is not aesthetically pleasing and is not visible from the public realm in immediate or far reaching views and the proposal would be an improvement on the existing arrangement.
- 8.19. Following these amendments, it is considered that overall this proposal would preserve the appearance and character of the building, wider street scene and the East Cliff conservation area, in accordance with policies QD10 and HE6 of

the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

Standard of Accommodation:

- 8.20. Policy QD27 of the Brighton and Hove Local Plan, and emerging Policy DM20 of CPP2 (which can be given significant weight) aim 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.
- 8.21. The Nationally Described Space Standards (NDSS), although not formally adopted by the Council do provide a useful guide against which to assess the overall unit size and bedroom sizes and provide a comparable indicator of acceptable space standards, and they are proposed for adoption within the emerging City Plan Part Two.
- 8.22. The proposal would create 2no. one-bedroom flats at first floor level and 1no two bedroom flat at second floor level.
- 8.23. The following schedule of accommodation is proposed:
- First floor (eastern) one bed unit- 45sqm
 - First floor (western) studio unit- 38sqm
 - Second floor two bed unit- 81sqm
- 8.24. An amended plan was received during the course of the application to improve the layout of the first floor studio unit by omitting the bike store to increase the bathroom. The proposed ground floor studio unit was also removed from the scheme as this unit was considered to offer an oppressive standard of accommodation given the lack of light and outlook.
- 8.25. The proposed plans would provide a standard of accommodation which accords with the guidance set out in the NDDS standard of accommodation in terms of layout, circulation space and access to natural light and ventilation. The proposed two-bed unit at second floor level would be of a particularly good size and usability. It is acknowledged that the kitchen areas within the studio unit and one bed unit at first floor level would not include window openings within the room but given the open partitions and layout, it is considered that the units would provide for adequate light to access these areas. Overall, the size and layouts of the living spaces would provide for a suitable standard of accommodation and would meet the needs of future occupiers.
- 8.26. The proposed balconies to the rear and front of the building have been removed from the scheme. Policy HO5 and emerging Policy DM1 of CPP2 require private, useable amenity space to be provided 'where appropriate to the scale and character of the development'. In this case, upper floor flats in the location do not typically have access to external amenity space and the proposed units would have access to public outdoor space within the vicinity, such as the

Seafront and the nearby Queens Park. The scheme is therefore considered acceptable in this regard.

Impact on Amenity:

- 8.27. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This is reflected in emerging Policy DM20 of CPP2.
- 8.28. Policies SU9 and SU10 of the Local Plan are concerned with development that could cause pollution and nuisance, for example by way of odours, or which could cause a noise nuisance to occupiers of nearby noise sensitive premises.
- 8.29. The adjacent units are in commercial use at ground floor level with residential above, aligning with the proposed uses of the present scheme which would help to reduce the potential for impacts on amenity. To the rear (south) of the site are the rear gardens of Belgrave Place and to the east the rear gardens of Eaton Place.
- 8.30. Concerns have been raised through consultation regarding the impact of the proposal in terms of overshadowing, overbearing, loss of light, overlooking, loss of privacy and noise nuisance.
- 8.31. The principle of the proposed residential units is not deemed likely to result in an unacceptable increase in noise or activity levels which would be of detriment to any neighbouring properties, including those created as a result of the proposal, given the existing residential use of the site, and the residential and commercial character of the area.
- 8.32. The extra storey would not have a detrimental impact on neighbouring properties or the gardens to the rear of the site in terms of overshadowing due to the relatively small height increase, particularly in the context of surrounding properties, and the east/west orientation of the site. The property to the east, no. 61, features a residential unit at first floor level and a rear terrace area, and may experience some additional overshadowing to their terrace for the early part of the day. However the rear elevation would be set in, which would reduce the potential impact so that overall, the impact is not considered sufficient to warrant refusal of the application, particularly in this dense urban environment.
- 8.33. The scheme is not considered to result in a significant increase in overlooking, with views achievable from the front and rear first floor windows being similar to the existing arrangement. The second floor front and rear windows would not offer direct views into neighbouring windows, and views from this level would already be attainable from the existing arrangement and neighbouring residential windows.
- 8.34. Concern has been raised regarding the potential overlooking of garden spaces to the rear, however these views are already achievable from the rear first floor window and neighbouring residential units at upper floor level within the terrace.

It is not therefore considered there would be an increase in overlooking or loss of privacy.

- 8.35. The proposed change of use of the ground floor premises to Class E would allow for a range of potential uses which could potentially mean a more intensive use of the property. The revised Use Class E which covers a number of uses does mean that each use could have different impacts and therefore conditions are recommended to safeguard neighbouring amenity including that no alcohol shall be sold or supplied on the premises except to persons who are taking meals on the premises and who are seated at tables. An informative has been attached stating that a further application for planning permission would be required for the installation of an external extract system.
- 8.36. A Class E use could allow for a gymnasium use, with potential noise nuisance, including for the residential unit above. A condition is recommended limiting the hours of operation. It is considered that noise impacts are otherwise satisfactorily controlled through separate Environmental Health regulations relating to nuisance.
- 8.37. These conditions would not prejudice the operation of the potential future use of the unit.
- 8.38. Subject to the imposition of these conditions it is considered that the proposal would be acceptable in terms of there being no significant or adverse impacts or loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health, and would thereby accord with Policy QD27 and DM20 of CPP2 which can be given significant weight.

Sustainable Transport:

- 8.39. The proposal is unlikely to result in a significant increase in trips due to the change of use. Although there may be difference in trip times there is likely to be similar levels of activity.
- 8.40. There are no loading bays within the vicinity of the site, but it is noted that loading and unloading can occur on double yellow lines on St George's Road which appears to be the arrangement for other commercial units without obstructing traffic.
- 8.41. The application property is within a Controlled Parking Aone (H) where demand is high, with parking permits at 90.5%. The Highways Officer has requested that a condition is attached to restrict future occupants' rights to resident parking permits. However, this can be secured by the LHA directly through the Parking Service if they so wish, , and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone.
- 8.42. The site is constrained and does not allow for on-site parking however it is noted that there is nearby pay and display parking on St George's Road for customers and visitors to the ground floor unit.

- 8.43. The proposed removal of the vehicle entrance would result in the existing crossover to become redundant and therefore a condition has been attached for the crossover to be removed and the footway and kerb edge reconstructed and reinstated.
- 8.44. Cycle parking is proposed on site which, while not ideal being in confined spaces or accessed via stairs, however given the constraints of the site this is considered acceptable. A condition is recommended to secure full details of cycle storage.

Community Infrastructure Levy:

- 8.45. 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 £44,800.46. 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.

Other Matters:

- 8.46. Given the existing use as a builder's store and the proposed alterations at ground floor level conditions have been applied in association with contaminated land and asbestos.
- 8.47. It is unclear how bin/recycling stores will be allocated and therefore a condition has been attached requiring details of this.

9. EQUALITIES

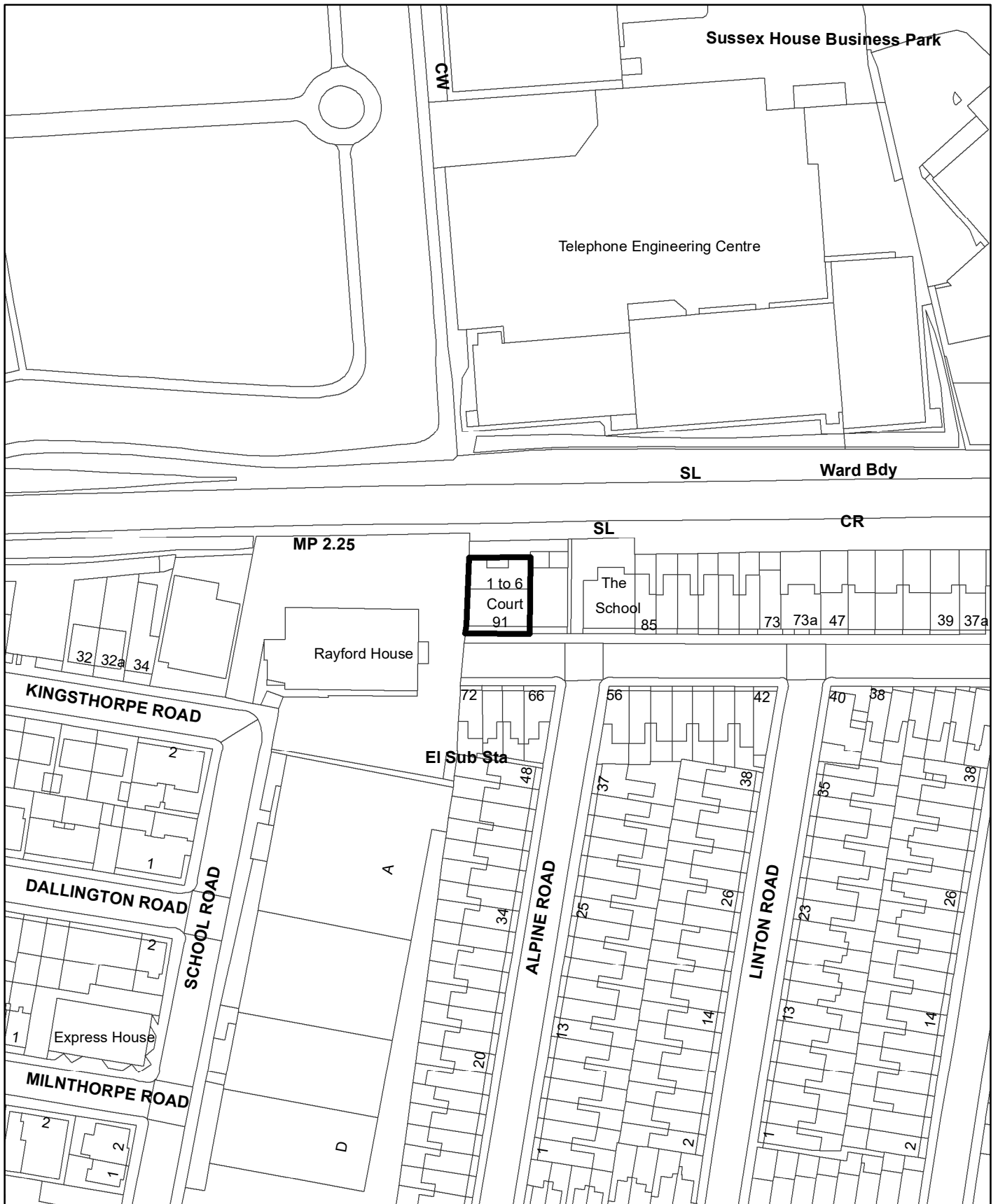
- 9.1. Access standards are not sought on conversions and therefore no equalities implications have been identified.

ITEM G

**Grange Court, 91 Payne Avenue
BH2021/00528
Full Planning**

DATE OF COMMITTEE: 5th May 2021

BH2021 00528 - Grange Court, 91 Payne Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2021/00528	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Grange Court 91 Payne Avenue Hove BN3 5HD		
<u>Proposal:</u>	Creation of an additional storey to form a new third floor containing 2no one bedroom flats (C3).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	15.02.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	12.04.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	SAM Planning Services Unit 9B Fountayne Road Tottenham Hale London N15 4BE		
<u>Applicant:</u>	Mr Freifeld Grange Court 91 Payne Avenue Hove BN3 5HD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	PR-E001	A	12 April 2021
Proposed Drawing	PR-E002	A	12 April 2021
Proposed Drawing	PR-E003	A	12 April 2021
Proposed Drawing	PR-P001	A	12 April 2021
Proposed Drawing	PR-P002	A	12 April 2021
Proposed Drawing	PR-P003	A	12 April 2021
Proposed Drawing	PR-P004	A	12 April 2021
Proposed Drawing	PR-P005	A	12 April 2021
Proposed Drawing	PR-P006	A	12 April 2021
Proposed Drawing	PR-S001	A	12 April 2021
Proposed Drawing	PR-S002	A	12 April 2021
Location and block plan	PR-L001	A	12 April 2021

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

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

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

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

4. 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.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION

- 2.1. The application relates to a three-storey block of flats at the far western end of Payne Avenue, on the northern side of the road. The block is semi-detached with a three-storey adjoining neighbour to the east, and the rear of the four storey Rayford House to the west, accessed from School Road. The building is unlisted and is not located within a Conservation Area.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for an additional storey to provide 2no. one-bedroom flats (C3). The scheme originally proposed two-bedrooms flats, but the internal layout was amended during the course of the application to address concerns regarding the standard of accommodation provided.

5. REPRESENTATIONS

- 5.1. **Thirteen (13)** letters have been received, objecting to the proposal for the following reasons:
- Additional traffic
 - Out of keeping in street due to increased height
 - Noise
 - Overdevelopment
 - No disabled access to the new flats
 - Disturbance during construction
 - Overshadowing
 - Loss of view
 - Insufficient parking
 - More consultation should have taken place
 - Approval would set a precedent
 - The applicant should have consulted neighbours and leaseholders
 - Building not stable
- 5.2. **One (1)** letter has been received, supporting the proposal for the following reasons:
- More housing desperately needed
 - No issues with parking or noise
- 5.3. **Councillor Nemeth** has objected to the proposal for the following reasons:
- Neighbours should have been consulted before any application was submitted
 - The additional storey would be out of keeping in the streetscene
- 5.4. **Councillor Peltzer-Dunn** has objected to the proposal and asked for it to be determined at planning committee. A copy of this correspondence is attached to this report.

6. CONSULTATIONS

- 6.1. **Environmental Health:** No comment received

- 6.2. **Housing:** No comment received
- 6.3. **Private Sector Housing:** No comment
- 6.4. **Sustainable Transport:** No comment received

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations

QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposals and the impact upon neighbouring amenity. The standard of accommodation to be provided, sustainability and transport matters are also material considerations.
- 9.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 9.3. The council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of Development:

- 9.4. The proposal would result in the creation of 2no. additional dwellings at a time when the Local Planning Authority is unable to demonstrate a five-year supply,

and this is given increased weight in accordance with the 'tilted balance' in favour of housing delivery.

- 9.5. Paragraphs 122 & 123 of the NPPF encourage development proposals which make efficient and optimal use of existing sites, especially where there is a shortage of land for new housing. The proposal would accord with this aim.
- 9.6. Therefore, and subject to an assessment of other material planning considerations, the proposal is considered to be acceptable in principle.

Design and Appearance:

- 9.7. As a purpose-built block of flats, the application site is already of a distinct character relative to the majority of properties on Payne Avenue, having more in common with its immediate neighbours.
- 9.8. The surrounding built form comprises the four-storey detached Rayford House to the west, bookending the western end of Payne Avenue, the adjoining three-storey block at no. 89 Payne Avenue, and after a short gap, a long terrace of two-storey properties. The result is a stepping up in the scale of built form from east to west, with the application site located in the middle.
- 9.9. It is noted that a number of extensions to Rayford House have recently been approved, including an additional fifth floor of accommodation and a four-storey eastwards extension (BH2015/04606 & BH2020/00955).
- 9.10. Whilst it is recognised that an additional storey would be a visible element in the streetscene, in this context it is considered that an additional storey on the application building would remain consistent with the stepping-up in scale at this end of the road, and would not disrupt the rhythm of roof lines on the northern side of Payne Avenue.
- 9.11. The proposed additional storey would appear as a natural upwards extension of the existing building. replicating the appearance of the existing storeys in terms of size, proportions, detailing and materials. Whilst a typical design approach for additional storeys is for the bulk to be minimised through a set back from the building edge, in this case, given the relatively low height of the block and the context of the railway line to the rear it is considered that the proposed approach of replicating the lower floors is acceptable, and preferable in design terms.
- 9.12. As such, it is considered that the proposal would appear as an appropriate addition to the building and wider area, which would not sit uncomfortably in the streetscene, in accordance with policy CP12 of the CPP1, policy QD14 of the BHLF, and emerging policy DM21 of CPP2 which can be given significant weight.

Impact on Amenity:

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

This approach is reflected in emerging Policy DM20 of CPP2 which can be given significant weight.

- 9.14. The existing building provides 6no. two-bedroom residential units across three storeys. It is considered that 2no. additional one-bedroom residential units would be unlikely to have a significant additional impact in terms of additional noise disturbance for existing residents, either within the building or in adjacent dwellings
- 9.15. Due to the orientation of the application site and neighbours, the increased bulk arising from the proposal would be unlikely to give rise to a significant loss of daylight or increased overshadowing for neighbouring properties.
- 9.16. Views from the new units would be directed to the front and rear, where there already exists views from the existing flats. It is considered that the additional views from the proposed units would not be more intrusive or harmful than the views currently available. The proposed outdoor terraces would be small in area and would face north onto the railway and line and as such no concerns are held in this regard.
- 9.17. The rear garden spaces serving flats 1 and 2 are already significantly overshadowed and overlooked by the existing block and Rayford House to the west, and the proposed additional storey would be unlikely to result in a significant impact over and above what is already present.
- 9.18. It is therefore considered that the proposal would be acceptable in terms of its impact on residential amenity.

Standard of Accommodation:

- 9.19. The proposed dwellings comprise 2no. one-bedroom flats. The units have been reduced from two-bedroom units during the course of the application.
- 9.20. The proposed units would be of approximately equal areas (54sqm and 55sqm) with mirrored layouts, with each habitable room having access to natural light and outlook, and benefiting from space for furniture and circulation.
- 9.21. Each flat would have access to outdoor amenity space in the form of a small rear terrace similar to the existing units on the lower floors and this is considered acceptable.
- 9.22. 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, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight.
- 9.23. At 54sqm and 55sqm both units as amended would comply with the NDSS which stipulates a minimum of 50sqm for a one-bedroom, two-person, single-storey dwelling.

- 9.24. The scheme is therefore considered acceptable in terms of the standard of accommodation provided.

Sustainable Transport:

- 9.25. The proposal is unlikely to result in a significant uplift in trip generation so is considered acceptable in terms of its impact on highway capacity. No changes to pedestrian or vehicular access are proposed so there would be no impact on the highway network in this regard.
- 9.26. SPD14 requires a total of 2no. additional cycle parking spaces for the proposed units. The proposed drawings indicate the provision of 2no. Sheffield stands (4no. spaces) within the rear outbuilding and whilst not ideal in terms of convenience, would be covered and secure and so is considered an acceptable location in view of the lack of space to the front of the site.
- 9.27. No on-site car parking is proposed, in accordance with SPD14. The concerns of the local residents regarding parking stress are noted, but the site is located within a Controlled Parking Zone (CPZ) with the issuance of car parking permits within the gift of the parking service and local highway authority.

Sustainability:

- 9.28. Energy and water efficiency standards in accordance with the requirements of policy CP8 of the Brighton and Hove Local Plan can be secured by condition.
- 9.29. The proposed drawings indicate the provision of refuse and recycling facilities on the pavement outside the site boundary.

Other Considerations:

- 9.30. Whilst no contamination concerns have been raised at this stage it is considered prudent and good practice to secure a contamination Discovery Strategy by condition, in the event unexpected contamination is discovered on site.

Conclusion:

- 9.31. The provision of 2no. dwellings would make a contribution to the housing supply of the city, and in view of the guidance within Paragraphs 122 and 123 of the NPPF, the proposal is considered to be acceptable in principle. It is considered that the scheme would be of an acceptable design and appearance and would sit comfortably within the streetscene, with the stepping up in scale from east to west retained. No concerns are held regarding the impact on neighbouring amenity or the transport impact of the development. Sustainability measures can be secured by condition. Approval is therefore recommended, subject to conditions.

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 £18,260.16. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

11. EQUALITIES

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



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Garry Peltzer-Dunn
BH2021/00528 - 91 Payne Avenue

31st March 2021:

I wish to lodge my objection to the above planning application and formally request confirmation that the application will be considered by the full committee, if the matter is considered as being suggested for approval.

Cllr. Robert Nemeth
BH2021/00528 - 91 Payne Avenue

31st March 2021:

I'm e-mailing now to object to the above application in Wish Ward. I have discussed the matter with several residents and, like them, have concerns about several issues.

First and foremost, I am concerned about the lack of consultation with those living nearby that seems to have taken place voluntarily. This is always a bad sign. Neighbours should have been properly consulted before any application was submitted.

The addition of a new floor with a flat roof does create several issues; not least the creation of a particularly tall building on the street. Payne Avenue is of course predominantly two-storey buildings. Some have roof rooms. Four complete storeys would jar with the rest of the street – and particularly with the buildings opposite which feature two storeys.

Related to this, the mass, scale and bulk of the proposal is of concern. I was surprised not to see a pitched roof in the proposal. This may even have been too much, but a complete new floor certainly is.

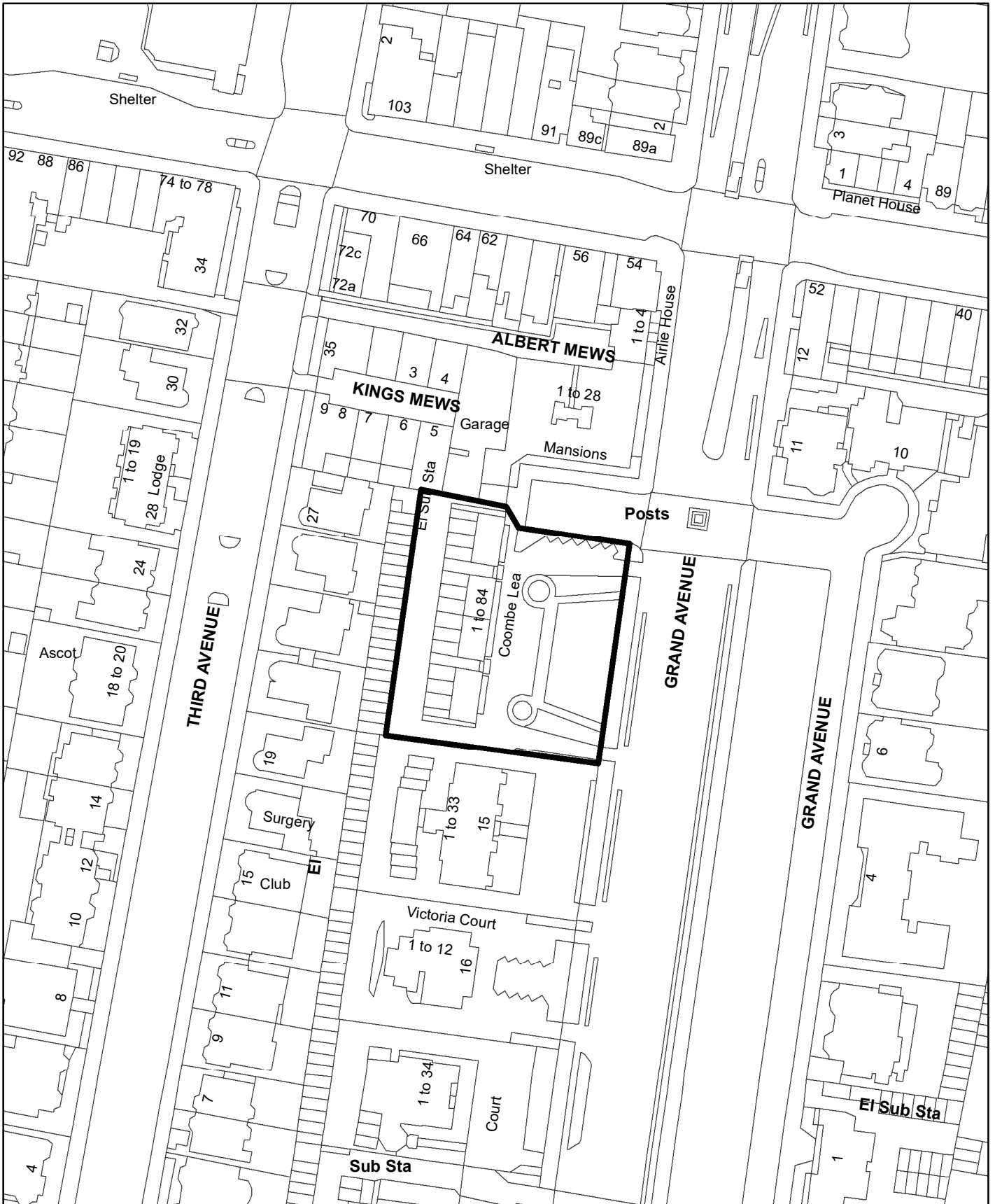
I wish to see this application refused.

ITEM H

**Coombe Lea, Grand Avenue
BH2021/00799
Full Planning**

DATE OF COMMITTEE: 5th May 2021

BH2021 00799 - Coombe Lea, Grand Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2021/00799	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Coombe Lea Grand Avenue Hove BN3 2NB		
<u>Proposal:</u>	Installation of 6no telecommunication antenna apertures across 3no steel support structures, 3no 600mm wide dishes and 8no equipment cabinets all at roof-level, 1no cabinet at ground-level, plus ancillary works.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	16.03.2021
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	11.05.2021
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	
<u>Agent:</u>	Waldon Telecom 101 Phoenix House Pyford Rd West Byfleet KT14 6RA		
<u>Applicant:</u>	MNBL Ltd Thames Tower Reading		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	1586596_BAH164_79 854_NA_M002	B	4 March 2021
Proposed Drawing	1586596_BAH164_79 854_NA_M002	B	4 March 2021
Proposed Drawing	1586596_BAH164_79 854_NA_M002	B	4 March 2021
Proposed Drawing	1586596_BAH164_79 854_NA_M002	B	4 March 2021
Proposed Drawing	1586596_BAH164_79 854_NA_M002	B	4 March 2021
Proposed Drawing	1586596_BAH164_79 854_NA_M002	B	4 March 2021

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

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

3. The development hereby permitted shall be removed from the building on which it is situated, and the building restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer, as soon as reasonably practicable after it is no longer required for electronic communications purposes

Reason: To reduce the risk of harm to the visual amenity of the host building and wider environment caused by a proliferation of unrequired telecommunications equipment cluttering the roofscape of the host building, and to comply with policies QD23, QD24, HE3, HE6 and HE10 of the Brighton and Hove Local Plan; and CP12 and CP15 of the City Plan Part One.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a large block of flats on the west side of Grand Avenue within The Avenues conservation area.
- 2.2. Planning permission is sought to install telecommunications equipment at the site, primarily upon the rooftop, but also with one cabinet at ground floor level.

3. STATEMENT OF SIGNIFICANCE

- 3.1. This property is in The Avenues Conservation Area. It is one of a number of mid-20th century purpose-built multi-storey blocks of flats, built on plots formerly occupied by grand detached houses along the West side of Grand Avenue.
- 3.2. In close proximity are a number of listed buildings; to the north west of the site is grade II listed Kings Mews which fronts Third Avenue, and to the east and north east is a cluster of grade II listed detached houses (largely converted to flats) with the listed war memorial positioned at the centre of Grand Avenue. The locally listed Grand Avenue Mansions is immediately adjacent to the north.
- 3.3. The property is therefore not itself of heritage interest, however it is within a sensitive setting.

4. RELEVANT HISTORY

None

5. CONSULTATIONS

5.1. Heritage

This application concerns the placing of telecommunication antenna on the roof of this building. It is proposed to place two clusters on the western perimeter of the roof and one on the eastern perimeter. Currently there is some satellite equipment on the roof.

- 5.2. The information submitted with this application states that the antenna need to be sited at the edge of the rooftop for a clear signal avoiding interference from surrounding structures, and that the proposed equipment is the minimum amount and scale to meet structural and radio planning requirements.
- 5.3. Details of alternative locations that have been considered for the equipment have been submitted along with justification for the choice of Coombe Lea for their siting.
- 5.4. The antennae will be visible as part of the skyline from viewpoints in Third Avenue and Grand Avenue and will have an impact on the character of The Avenues Conservation Area. They also have the potential to affect the setting of the listed and locally listed heritage assts, as well as the character of The Avenues Conservation Area.
- 5.5. The height and scale of the host property is such that its existing impact on the setting of these heritage assets is already significant. The addition of antennae at roof level is therefore considered to cause less than substantial harm.
- 5.6. Under the terms of the NPPF the public benefits that would result from the installation of these antennae should be taken into account in the determination of this application. The Heritage Team advises that these benefits will need to be of a magnitude that would outweigh this identified harm.
- ### **5.7. UK Power Networks**
- No Objection

6. REPRESENTATIONS

- 6.1. 168 letters have been received, from a total of 150 individuals across 138 households. Of those objecting to the scheme, 21 have either failed to provide an address, or given an address that is outside of the boundaries of the Brighton and Hove Local Planning Authority. Of the remaining 117 addresses, only 76 are considered likely to be materially impacted upon by the proposed development.
- 6.2. The objections to the proposal are on the following grounds:
- Lack of what is considered to be sufficient consultation with occupants/freeholders
 - The freehold company has not given permission for the equipment to be installed

- Residents of Coombe Lea have not asked for the equipment
- Detrimental impact on property value
- Lack of information regarding liability, insurance, and damage compensation
- Health concerns regarding 5G technology
- Lack of Health and Safety Impact Report
- Lack of Environmental Health Assessment
- Lack of Risk Assessment
- The development would lead to security issues and crime including murders
- Disruption caused by the building works and maintenance
- Lack of Surveyor's Report and Building Impact Assessment
- The additional weight of the equipment will cause Coombe Lea to collapse
- The proposed development will cause damage to no.15 Grand Avenue
- The cabinets will emit a hum that will interfere with specialist electronic equipment in nearby homes
- The equipment will interfere with televisions, radios and lighting within Coombe Lea
- The equipment will lead to power surges that will disrupt electricity within Coombe Lea
- Detrimental visual impact to the host building
- Detrimental to the significance of The Avenues conservation area
- There is no similar development in The Avenues conservation area
- Detrimental to the setting of listed buildings in the vicinity
- The development will impact on the ability to install solar panels or a green roof on the building
- Loss of garden space from the single ground-level cabinet
- There are other telecoms stations present in the local area
- The proposal would represent a change of use class.
- The proposal will contribute to climate change
- Loss of habitat for seagulls
- The proposed development includes Huawei equipment that is banned in the United Kingdom
- Accepting that more masts are required for 5G rollout but should not be at this property
- The antennas should instead be placed on Hove Town Hall
- The equipment should be moved elsewhere; coverage of the beach is not important as tourists have no interest in or need for a 5G network.
- The proposed masts will cause overshadowing
- The objector is not allowed to change their windows without permission, but a mast can be erected without consent.
- Planning permission has been refused for telecoms equipment in other locations
- Noise nuisance
- The proposed development is for financial gain only and is 'fascist'
- The proposed development is a 'blatant abuse of human rights'

6.3. Also, a petition has been received with sixty signatories, objecting to the proposal on the following grounds:

- The objectors do not like the way they were approached by the applicant

- Health concerns regarding 5G technology
 - Telecoms equipment should be sited on non-residential buildings
 - Detrimental impact on The Avenues conservation area
 - Visual impact on residents at Grand Avenue Mansions
 - 'Invasion' by maintenance personnel
 - More telecoms equipment will be installed in the future
- 6.4. Five letters have been received, from a total of four individuals, supporting the application on the following grounds:
- The proposed development will provide communications infrastructure benefits
 - The height of the development reduces its visual impact
 - It has been proven that 5G technology is safe
 - The level of objection to the scheme on health grounds is disappointing

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

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

TR7	Safe development
QD5	Design - street frontages

QD23	Telecommunications apparatus (general)
QD24	Telecommunications apparatus affecting important areas
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission City Plan Part Two 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 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20	Protection of Amenity
DM25	Communications Infrastructure
DM26	Conservation Areas
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development and the potential impacts on the amenities of local residents, and on the significance of heritage assets in the vicinity.

Design and Appearance

- 9.2. The proposed works include three masts (each siting two antennas apiece) at rooftop level. One is sited just off-centre on the principle elevation; the other two are sited upon the northwest and southwest corners. Cabinetry and other associated development is sited centrally, adjacent to the front-facing mast. A single cabinet is also proposed at ground floor level next to the southeast corner of the building.
- 9.3. The proposed works at rooftop level would cause a degree of harm to the appearance of the host building but this is mitigated somewhat by the extreme height the development would be sited at, which would remove it from casual observance. It should also be noted that from Grand Avenue, the only highly visible addition would be a single mast. From Third Avenue, the development would appear simply as a slightly harmful addition to a substantial, bulky backdrop provided by Coombe Lea itself; it is not considered that the proposed roofworks would causes harm significant enough to warrant refusal in terms of general appearance.
- 9.4. It is also asserted that the proposed ground floor level cabinet would cause harm through loss of garden space. The proposed cabinet has a footprint of under 1m²

and it is considered that any harm to visual amenity or biodiversity it may cause would be insignificant and would not justify withholding planning permission.

Impact on Heritage Assets

- 9.5. 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.
- 9.6. 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".
- 9.7. The development, in particular the masts, would be highly visible from the public realm. The front-facing mast would be visible from Grand Avenue, whilst the rear-facing masts would be visible from Third Avenue and a section of Church Road. Coombe Lea is already a dominant and bulky addition to the built environment, of limited historic importance, and it is considered that the proposed development would cause less than substantial harm to the significance of heritage assets in the vicinity.
- 9.8. Paragraph 196 of the NPPF states:
Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...
- 9.9. The public benefits of providing a robust 5G telecommunications network are substantial and considered to outweigh the harm to the significance of heritage assets in this instance. A planning condition will also be attached securing the removal of all equipment after such a time it is no longer required for its given purpose of providing a telecommunications network.

Impact on Amenity

- 9.10. Concerns have been raised asserting that the audio output of the proposal could cause a noise nuisance. It has not been observed that similar structures emit any significant noise output, however, if the scheme is found to be acceptable in all other regards, the Council would be able to investigate noise complaints under the Environmental Protection Act 1990, therefore prior approval need not be refused on this basis.
- 9.11. It has been asserted that the masts will cause overshadowing; considering the siting of the masts, atop an eleven-storey block of flats, it is not considered that any additional overshadowing would be significant, and is not considered reasonable grounds for objection in this instance.

- 9.12. Other representations have stated that the masts would be highly visible from neighbouring properties. This is likely, however being visible does not equate to causing harm, and it is not considered that the proposed development causes significant harm in this regard.

Equalities

- 9.13. None identified

Private or Civil Matters

- 9.14. Large number of objections regard the consultation process undertaken by the applicant to local residents and that it is considered inadequate. This is a private matter between the applicant and the residents and has no bearing on this assessment. Likewise, whether or not permission has been granted by the freeholder of the land to install the equipment is not a material planning consideration; it may impact on whether the equipment can lawfully be installed in the future, but is a private matter between the freeholder and the applicant and not a reasonable ground to withhold planning permission.
- 9.15. Planning Practice Guidance states that the Courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material consideration.
- 9.16. One or more letters of objection have objected due to lack of information regarding liability, insurance, and damage compensation. In the event the development takes place, this would be a private matter between the developer and residents and is not a planning matter, therefore it need be given no weight in this assessment.
- 9.17. Concerns have been raised regarding disturbance caused by the building works themselves, including (but not necessarily limited to) vehicle congestion; wear and tear to communal hallways from workmen walking along them; and security risks from the workmen themselves who may commit crimes up to and including theft from and murder of residents. A degree of disruption is inherent in all development and not reason to refuse planning permission; the most extreme potential impacts cited are considered speculative and not reasonable grounds to object to development. This applies both to the initial installation works, and any future visits by workmen who may need to carry out maintenance work on the equipment.
- 9.18. It has been explained to the Local Planning Authority that the range of 5G transmitters is shorter than that of 4G or similar, therefore additional transmitters are necessary to cover the entire city. For this reason, the presence of one or more telecoms masts in the area does not make additional transmitters unacceptable in principle.

Impact on Health

- 9.19. Large numbers of objections relate to the potential impact of 5G equipment on the health and wellbeing of local residents and visitors to the site, as well as local wildlife. The Government has through the revised National Planning Policy

Framework (2019) established a clear expectation that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).

- 9.20. As such, Local Planning Authorities should not impose a ban on new equipment nor should they seek to prevent competition between different operators, question the need for an electronic communications system or set health safeguards different from the International Commission guidelines for public exposure.
- 9.21. A declaration that the proposal would be compliant with International Commission on Non-Ionising Radiation (ICNIRP) Public Exposure Guidelines has been submitted to support the application. It is not considered necessary to request further confirmation of the safety of the equipment as demanded by residents, since compliance with ICNIRP Public Exposure Guidelines is guaranteed through alternative regimes.

Building Safety

- 9.22. Concerns have been raised that the weight of the rooftop equipment will cause Coombe Lea to collapse; will cause damage to other nearby buildings; and will cause power surges throughout Coombe Lea. Such issues relate to building safety which are a matter for Building Regulations, and need be given no weight in this assessment for planning permission.
- 9.23. Further concerns state that the telecoms equipment will disrupt 'specialist electronic equipment', televisions, radios, and lighting within the building. Telecommunications equipment is commonplace within the city and is designed to work in a manner which avoids such disruption; regardless, this is not a material planning consideration.

Biodiversity

- 9.24. Concerns have been raised that the proposal would lead to a loss of habitat for herring gulls and other local birds. Notwithstanding reasons raised that relate to alleged harm from radiation (which has been addressed earlier in this report), it is not considered that the development would make the rooftop untenable as a habitat for nesting birds since the rooftop has a total area of over 600m² and only a fraction of this is being developed upon.

Other Considerations

- 9.25. One or more letters of objection state that the proposed development would amount to a change of use class. This view is not shared by the Local Planning Authority as the building would clearly remain in residential use and the proposed equipment would be ancillary to such a use.
- 9.26. One letter of objection considers it 'not fair' that they need planning permission for changes to their windows, but a 'mast' can be erected without any form of consent. There appears to be some fundamental misunderstanding as the objector is making a representation relating to an application for planning permission which the applicant has been required to apply for, so clearly a form of consent is required. Regardless, whether certain forms of development

require express planning permission is set by the Government and is not reasonable grounds to object to planning permission.

- 9.27. It is noted that one or more of the equipment cabinets are referred to as 'Huawei' cabinets. Following the decision by the Government to ban the use of Huawei equipment from 5G networks, the operators will need to review the manufacture of equipment for the installation. However, only the equipment cabinet forms part of the application, not the equipment within it, and therefore it is considered the reference to Huawei is not material to this assessment.
- 9.28. Concern has been raised by local residents that were the proposed equipment installed it would infringe upon the potential development of the flat roof as a space to install solar panels or a green roof. This is noted, but only limited weight can be given to this consideration as there is no evidence to suggest that such development is likely to be undertaken in the near future. It is also noted that, as abovementioned, only a fraction of the rooftop is being developed upon, and why solar panels or areas of green roof would not be possible in conjunction with the proposed development is not clarified.
- 9.29. Significant objection has been raised at the choice of Coombe Lea for the proposed development. Many objectors have suggested alternative sites, such as Hove Town Hall, or stated that it should instead be put on high ground at the very top of Dyke Road. Sites for telecommunications stations are chosen on the basis of the coverage the equipment would provide; in order to achieve this, it is sensible to site them on the tallest buildings in the vicinity as the antennas would not have their signal blocked by intervening buildings. Hove Town Hall, whilst a large building, is not significantly taller than most of the buildings surrounding it and much of the signals would be blocked. Dyke Road is several miles from the application site and antennas located there (of which several already exist) do not provide coverage to Central Hove.
- 9.30. It has also been asserted that the equipment could be sited on a building further north even if it resulted in the seafront not receiving coverage, for the reason that it's mainly tourists who visit the seafront and they don't have any interest in, or need for a 5G network. This is baseless speculation and need not be considered any further.
- 9.31. It has also been raised that development elsewhere for telecommunications equipment has been refused planning permission on the grounds of harm to heritage assets. This is noted; however, it is a well-established principle of the planning system that each application is assessed on its own merits, and these other applications were subject to a different context than the current proposal and limited weight can be given to these decisions. It is also inferred that if permission is granted, then additional equipment will be installed in the future. The objector does not clarify if they mean at this site or elsewhere; each development is assessed on its own merits and would be subject to planning permission, therefore theoretical future applications, or the claim that a harmful precedent may be set, should not be used as reason to withhold planning permission.

Conclusion

- 9.32. The proposed rooftop-level works are considered to cause less than substantial harm to the visual amenity of the area which includes The Avenues conservation area and multiple listed and locally listed buildings. This harm has been measured against the public benefits which include the expansion of a robust 5G telecommunications network, which is considered to be significant. The impacts on the amenities of local residents in terms of overshadowing or visual harm are considered to be acceptable.
- 9.33. A significant number of objections have been received, however it has been demonstrated that many of these are from residents who cannot reasonably be considered to be impacted upon by the development; in addition, many of the issues raised are non-planning issues and therefore can be given no weight in the planning balance. Confirmation that the development would operate in compliance with ICNIRP Public Exposure Guidelines has been given and the Council cannot reasonably object on grounds of the alleged impact on health; such an objection would be vulnerable to legal challenge.
- 9.34. For these reasons the proposal is considered to be in accordance with policies TR7, QD5 and QD27 of the Brighton and Hove Local Plan; CP12 of the City Plan Part One; and DM20 and DM25 of the City Plan Part Two.

PLANNING COMMITTEE

Agenda Item 135

Brighton & Hove City Council

NEW APPEALS RECEIVED

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

MOULSECOOMB AND BEVENDEAN

BH2020/03322

84 Chailey Road Brighton BN1 9JF

Change of use from six bedroom small house in multiple occupation (C4) to eight bedroom house in multiple occupation (Sui Generis) with installation of cycle and bin storage.

APPEAL IN PROGRESS

06/04/2021

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

QUEEN'S PARK

BH2019/03677

31 East Drive Brighton BN2 0BQ

Demolition of existing garages and erection of two bedroom dwelling on ground and lower ground floor levels and associated works.

APPEAL IN PROGRESS

25/03/2021

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

QUEEN'S PARK

15 Charlotte Street Brighton BN2 1AG

Appeal against

APPEAL IN PROGRESS

29/03/2021

Not Assigned

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

REGENCY

BH2020/02601

Land Rear of Garages Adjacent To 1 Clifton Hill Clifton Hill Brighton BN1 3HL

Erection of 1no three bedroom house (C3) incorporating excavation to lower existing floor level with boundary treatment, external amenity space, and cycle and bin stores.

APPEAL IN PROGRESS

APPEAL RECEIVED DATE 31/03/2021
APPLICATION DECISION LEVEL Delegated

WARD

SOUTH PORTSLADE

APPEALAPPNUMBER

BH2020/02531

ADDRESS

50 Benfield Way Portslade BN41 2DL

DEVELOPMENT DESCRIPTION

Erection of 2no. three bedroom detached two storey dwelling houses (C3) to rear, with associated alterations to existing dwellinghouse.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

24/03/2021

APPLICATION DECISION LEVEL

Delegated

WARD

WITHDEAN

APPEALAPPNUMBER

BH2020/03569

ADDRESS

5 Green Ridge Brighton BN1 5LT

DEVELOPMENT DESCRIPTION

Demolition of existing boundary wall and erection of new boundary wall with railings and sliding gate.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

31/03/2021

APPLICATION DECISION LEVEL

Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 24/03/2021 & 20/04/2021

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

HANOVER AND ELM GROVE

APL2020/00185

93 Brading Road Brighton BN2 3PE

Conversion of existing 3no bedroom dwelling to form one 1no bedroom ground floor flat and one 2no bedroom maisonette above incorporating loft conversion with rear dormer and associate works. (Retrospective)

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/00177

APPLICATION DECISION LEVEL

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

HOLLINGDEAN AND STANMER

APL2020/00163

38 Coldean Lane Brighton BN1 9GE

Change of use from a six bedroom small house in multiple occupation (C4) to a seven bedroom large house in multiple occupation (Sui Generis) (retrospective).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2018/00576

APPLICATION DECISION LEVEL

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

QUEEN'S PARK

APL2021/00007

41 Egremont Place Brighton BN2 0GB

Erection of single storey rear extensions.

Against Refusal

APPEAL DISMISSED

BH2020/02467

Delegated

WARD**APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****APPLICATION DECISION LEVEL****QUEEN'S PARK**

APL2021/00009

41 Egremont Place Brighton BN2 0GB

Erection of single storey rear extensions and internal alterations to ground floor layout.

Against Refusal

APPEAL DISMISSED

BH2020/02468

Delegated

WARD**APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****APPLICATION DECISION LEVEL****REGENCY**

APL2021/00012

20 Montpelier Road Brighton BN1 2LQ

Replacement of existing timber framed sash windows with UPVC windows to front elevation.

Against Refusal

APPEAL DISMISSED

BH2020/02621

Delegated