

# Planning Committee

Date: 7 July 2021

Time: 2.00pm

Venue **Hybrid Meeting - Council Chamber, Hove Town Hall  
& via Teams**

Members: **Councillors:** Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Barnett, Fishleigh, Janio, Moonan, Shanks, C Theobald and Yates

Conservation Advisory Group Representative

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# AGENDA

## 1 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.*

## 2 MINUTES OF THE PREVIOUS MEETING

1 - 12

Minutes of the meeting held on 9 June 2021 attached.

## 3 CHAIR'S COMMUNICATIONS

## 4 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 1 July 2021.

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

5.1 In relation to easing of current Covid restrictions site visit arrangements would be re-introduced incrementally. It was noted that some Members had visited sites independently and that if requested socially distanced or virtual site visits could take place. Enhanced visuals continued to be provided at present in order to assist Members in their decision making.

## **6 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	BH2019/01180 - Vallance Hall, 49 Hove Street, Hove - Full Planning	<b>13 - 38</b>
B	BH2020/02801 - 27-31 Church Street, Brighton - Full Planning	<b>39 - 76</b>
C	BH2020/00931 - Former Dairy, 35 - 39 The Droveaway, Hove - Full Planning	<b>77 - 114</b>
D	BH2021/00780 - Land at Junction with Foredown Road & Fox Way, Portslade - Outline Application	<b>115 - 130</b>

### **MINOR APPLICATIONS**

E	BH2020/03291 - 83 Lustrells Crescent, Saltdean, Brighton - Householder Planning Consent	<b>131 - 138</b>
F	BH2021/01013 - 4 Keymer Road Brighton - Full Planning	<b>139 - 168</b>
G	BH2021/01750 - 8 Blatchington Road, Hove - Prior Approval Retail/Bank to Dwelling	<b>169 - 180</b>
H	BH2021/01453 - Henge Way, Portslade - Removal or Variation of Condition	<b>181 - 192</b>

I	BH2021/01163 - Garages opposite 6-10 St Johns Road, Hove - Full Planning	<b>193 - 214</b>
J	BH2021/01360 - 1-13 Shelldale Road Portslade - Full Planning	<b>215 - 238</b>
K	BH2021/00320 - 56 & 58 Barn Rise, Brighton - Full Planning	<b>239 - 252</b>

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

7.1 In relation to easing of current Covid restrictions site visit arrangements would be re-introduced incrementally. It was noted that some Members had visited sites independently and that if requested socially distanced or virtual site visits could take place. Enhanced visuals continued to be provided at present in order to assist Members in their decision making.

**INFORMATION ITEMS**

**8 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **253 - 254**

(copy attached).

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

None for this agenda.

**10 APPEAL DECISIONS**

None for this agenda.

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



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

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### **FURTHER INFORMATION**

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

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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 9 JUNE 2021**

**HYBRID MEETING**

**MINUTES**

**Present:** Councillors Littman (Chair), Childs (Opposition Spokesperson), Barnett, Deane, Fishleigh, Janio, Moonan, Shanks, C Theobald and Yates.

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

**Officers in attendance:** Nicola Hurley (Planning Manager), Luke Austin (Principal Planning Officer), , Russell Brown (Senior Planning Officer), , Sven Rufus (Planning Officer), Maria Seale (Planning Team Leader), Jack Summers (Planning Officer), Andrew Renaut (Head of Transport, Policy and Strategy), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**138 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

138.1 Councillor Deane substituted for Councillor Ebel

**b) Declarations of interests**

138.2 Councillor Yates declared that they had submitted a letter of representation on item D: BH2021/00769 - 52 Barcombe Road, Brighton and would withdraw from the meeting for this application.

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

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

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

**139 MINUTES OF THE PREVIOUS MEETING**

139.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 5 May 2021 as a correct record.

**140 CHAIR'S COMMUNICATIONS**

140.1 The Chair welcomed everyone in the Hove Town Hall council chamber and online via Teams to the first hybrid Planning Committee. The Chair also welcomed the new committee Members and thanked those who were no longer on the committee for their hard work and dedication.

**141 PUBLIC QUESTIONS**

141.1 There were none.

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

142.1 There were none.

**143 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2021/01031 - Land South of Ovingdean Road - Reserved Matters**

1. The Planning Manager introduced the application and noted that the Late List informed the committee that revised drawings have been received.

Questions for officers

2. Councillor Theobald was informed that the online presentation gave a street view of the application site.
3. Councillor Yates was informed that various finishes and materials will be used on the development, all in keeping with the area.
4. Councillor Shanks was informed that 40% of the development will be affordable housing which will be spread across the site.

Debate

5. Councillor Fishleigh referred to a development at Saltdean and noted the homes were nearly finished and the disruption has been horrendous for local residents and neighbours. Councillor Fishleigh requested that the trees on the Ovingdean Road site be saved and native species be used in the landscaping. It was requested that the lighting plan for the site be light pollution aware and the delivery drivers who arrive before the site opens in the morning turn off engines and radios.
6. Councillor Theobald noted the outline application had been refused by the Committee and approved by the planning inspector at appeal. It was considered by the councillor

that the terraced housing design could be improved and that decent trees should be used in the landscaping of the site.

Vote

7. A vote was taken, and the committee voted unanimously that planning permission be granted.
8. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report.

## **B BH2020/02776 - The Pines, Furze Hill, Hove - Full Planning**

1. The Planning Manager introduced the application.

Speakers

2. Clare Jennings spoke to the committee as an objector and informed the councillors that house sparrows were nesting on the site and noted that house sparrows are protected. The speaker noted that Brighton and Hove City Council recognise the protection in policy. The site is a wildlife corridor and demolition will disturb the birds on site. A survey was requested by the speaker, who also requested that nesting be encouraged with pre-made nest boxes being placed on the buildings by condition and that no works be carried out during nesting season. A biodiversity survey was also requested.
3. Charlie James spoke to the committee on behalf of the applicant and informed the councillors that the developers were a family run organisation. It was noted that the design was strong, however, some elements needed changing. The access to the communal space needs improving for example, as do the internal layouts of the properties. The applicant has worked hard with the council and it is considered that the proposals will improve the building. The committee were asked to approve the application.

Questions

4. Councillor Moonan was informed that the applicant would be happy to add nesting boxes to the development by condition.
5. Councillor Janio was informed that 30% of the site would be communal space.
6. Councillor Barnett was informed that the conservatory to be demolished was difficult to maintain an even temperature in. The proposals will have a fully glazed wall with concertina doors and rooflights, making the new space a high quality area.
7. Councillor Yates was informed that the current outdoor amenity space was considered low grade and the proposals at the south facing front of the building will be better and will link to the existing communal area. The development is considered to be delivering quality over quantity.

8. Councillor Deane was informed that the care home staff and residents were informed of the proposals and that trying to upgrade the existing conservatory was not a good idea.
9. The Planning Manager commented that the front of the proposed development will be fully glazed, the existing car park will be removed, and it was considered that the residents' amenity space would be improved.
10. Councillor Theobald was informed that the proposals will improve the resident's amenity space with fold back doors onto the lounge area.
11. Councillor Janio was informed that the proposed cycle parking would be for staff and the applicant was keen to encourage no cars on site and lockable storage would be provided for staff.

#### Debate

12. Councillor Yates considered that high quality care facilities were needed and that the changes proposed were on balance an improvement. The cycle parking is considered a good idea to encourage more cycles. The councillor requested that there be no damage to the environment resulting from the proposals.
13. Councillor Theobald considered the existing conservatory looked good and was enjoyed by residents. The proposed three storey block at the front of the building will not be good. The councillor considered the proposals would be wrong for the residents and she would be voting against the application.
14. Councillor Moonan considered that conservatories were old fashioned and that the proposals would be better for the residents.

#### Vote

15. A vote was taken, and the committee voted by 9 to 1 that planning permission be granted.
16. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report and the additional informative: The applicant is advised to install replacement nesting boxes for birds.

### **C BH2021/00921 - 72-74 Walsingham Road, Hove - Full Planning**

1. The Planning Manager introduced the application.

#### Speakers

2. The objector scheduled to speak did not attend the committee, therefore, following the 'speakers at committee' protocol the agent did not speak either.

#### Questions for Officers

3. Councillor Moonan was informed that the application site was formally a care home created from two properties, the proposal was for one dwelling.
4. Councillor Theobald was informed that the large garden to the rear of the dwelling belonged to the application property.
5. Councillor Shanks was informed that the property has been extended in the past with a two storey extension and conservatory.
6. Councillor Deane was informed that the flat roof to the rear of the dwelling was conditioned to not be used as a terrace.

Debate

7. No debate was instigated.

Vote

8. A vote was taken, and by a unanimous vote planning permission was granted. (Councillor Yates did not take part in the discussions or decision-making process for this application).
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report.

**D BH2021/00769 - 52 Barcombe Road, Brighton - Full Planning**

1. The Planning Manager introduced the application.

Questions

2. Councillor Theobald was informed that there were no bathrooms on the top floor of the property, the closest being on the floor below.

Debate

3. Councillor Childs stated he would be voting against the application as the proposals were too much for the property. Eight bedrooms in this size of property was a concern.
4. Councillor Fishleigh stated they were against the application on the grounds of traffic, noise, amenity, parking and community resources.
5. Councillor Moonan considered that there would be too many rooms and the application had been turned down once by the planning inspector.
6. The Senior Solicitor informed the committee that the Inspector's decision carried weight and that Planning Inspectors should strive to be consistent with previous Inspectorate decisions.

7. The case officer informed the committee that the principle of development had been accepted and no new survey of houses of multiple occupancy (HMO) had been carried out as the previous survey was considered acceptable.
8. Councillor Theobald felt sorry for the neighbours and considered that eight bedrooms was a lot and the three in the loft area were not great.

#### Vote

9. A vote was taken, and the committee voted 2 to 4 against the officer recommendation, 3 abstentions. (Councillor Yates did not take part in the discussions or any part of the decision-making process).
10. Councillor Childs proposed a motion, seconded by Councillor Fishleigh, to refuse the application on the grounds of disturbance, refuse and traffic.
11. A vote was taken, and the committee voted 5 to 3, with 1 abstention, for the motion to refuse the application. (Councillor Yates did not take part in the discussions or any part of the decision-making process).
12. **RESOLVED:** That the Committee has taken into consideration and does not agree with the reasons for the recommendation and the application is **REFUSED** on the grounds set out by Councillor Childs, with the final form of wording of the reasons for refusal to be to be agreed by the Planning Manager in consultation with Councillor Childs and Councillor Fishleigh.

#### **E BH2021/00779 - 1 Falmer Gardens, Brighton - Full Planning**

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

#### **F BH2021/00229 - Rockwater, Kingsway, Hove - Full Planning**

1. The Planning Manager introduced the application.

#### Questions

2. Councillor Janio was informed that the application was for a further six months permission following the existing temporary permission. It was confirmed that the proposals required planning permission in the location and the structures were originally erected as sales units during the Covid-19 pandemic.
3. Councillor Childs was informed that the six months was the usual period for temporary permission for this type of structure.



4. Councillor Shanks was informed that the issue of a lift in the main building was a separate matter and not relevant to this application.
5. Councillor Fishleigh was informed that any issues with delivery of service at the huts was a separate matter and not relevant to this application.

Debate

6. Councillor Theobald considered the proposals, created during the pandemic lockdown, to be good, however control of customers congregating would be appreciated. The councillor considered the proposal of six months to be fine and would be voting for the application.
7. Councillor Childs stated he would be voting for the application as he considered the structures to improve the area and felt six months would be fine. The councillor requested a queuing system to assist with congregating customers.
8. Councillor Moonan stated they would be voting for the application as businesses were fragile at this time and this was a good use of the huts.
9. Councillor Janio agreed with the previous Members and stated that he would be voting for the application.
10. Councillor Fishleigh requested that an informative be added to the application relating to the management of the customer queuing system.

Vote

11. A vote was taken, and the committee voted unanimously to grant planning permission. (Councillor Yates did not take part in the discussions or the decision-making process).
12. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report and an additional informative that the promenade should be kept free from queuing.

**G BH2021/00998 - 16 Lloyd Road, Hove - Householder Planning Consent**

1. The Planning Manager introduced the application.

Speakers

2. John Rowcroft submitted a speech to be read out in objection to the application outlining concerns with the existing wood-burner at the applicant's property and requesting that a condition prohibiting the installation of a wood burner within the proposed development be imposed.
3. Councillor Bagaeen was unable to attend the meeting and submitted comments stating that they were disappointed at the recommendation to grant planning permission for this application and they supported the objector.

4. Paul McKay addressed the committee as the applicant and stated that they were confused by the comments by the objecting neighbour since the comments did not seem relevant to the application being considered by the committee. The wood-burner referred to by the objector was not in use all the time and the proposed structure would be used by the owners and their children only.

#### Questions

5. Councillor Childs was informed that the smoke flume referred to by the objector was not part of the planning application as it related to the existing extension to the property.
6. Councillor Theobald was informed that the swimming pool pump did not require planning permission.

#### Debate

7. Councillor Shanks noted that the wood-burner can be looked at by the environmental health team under policy.
8. Councillor Moonan noted that the chimney was not before the committee and the environmental health team will be able to help with this matter.
9. Councillor Theobald considered the proposed structure to be large on a long and narrow plot. The councillor considered the wood-burner to be an issue.
10. Councillor Childs considered the smoke flume to an issue but was not relevant here. The councillor supported the application.
11. Councillor Janio suggested that the wood-burner should be conditioned as the applicant had said they would be amenable. The councillor proposed a motion to add a condition preventing any further wood-burners. The motion was seconded by Councillor Shanks.
12. A vote was taken, and the motion was agreed by a vote of 5 to 3 with one abstention.

#### Vote

13. A vote was taken, and by a vote of 8 with 1 Planning permission was granted. (Councillor Yates did not take part in the discussions or decision-making process).
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report and an additional condition to provide that a wood-burner could not be installed within the proposed development.

1. The Planning Manager introduced the application.

Speakers

2. The objector did not attend the committee meeting, therefore, under the Speaking to committee protocol, the agent was not able to speak.

Questions

3. Councillor Shanks was informed that the structure had been completed and the application was for retrospective planning permission.

Vote

4. A vote was taken, and by a unanimous vote Planning permission was granted. (Councillor Yates did not take part in discussions or any part of the decision-making process).
5. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report.

#### I **BH2020/03287 - 18 Valley Drive, Brighton - Householder Planning Consent**

1. The Planning Manager introduced the application.

Speakers

2. Ward Councillor Davis addressed the committee and stated they were objecting to the application on behalf of the residents. The councillor requested that the committee take on board the concerns of the local residents who value the peace and quiet of the back gardens. It is considered that there will be overlooking issues and the neighbours are very worried that the screening will not be enough. If planning permission was granted, it was requested that the officers ensure that the condition regarding screening is attached. The councillor noted the special community spirit in the area and asked the committee to consider the application carefully.
3. Colm McKee addressed the committee as the applicant's agent and noted that most of the objections had been submitted from one household. The applicant sees the site as a family area and noted that other properties have erected large summer houses in neighbouring gardens. The application is for some simple terracing with some of the build being below ground level. The proposals were agreed to conform to planning policy at pre application stage. The proposed planting scheme includes 4 silver birch trees to add to the existing hedging. The privacy requested by neighbours already exists. The proposed materials will include reclaimed Sussex stone. The committee were requested to approve the application.

Questions

4. Councillor Fishleigh was informed that the proposals would be a stone construction cut into the hillside and planning permission was required for the excavation works.
5. Councillor Theobald was informed that the hedging is existing, and the trees would be planted by condition.

Debate

6. Councillor Janio stated he approved the application.
7. Councillor Theobald considered the folly would not do much harm.
8. Councillor Shanks made a plea to residents and asked that neighbours speak to each other regarding proposals.

Vote

9. A vote was taken, and the committee agreed unanimously to grant planning permission. (Councillor Yates did not take part in the discussions or the decision-making process).
10. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report.

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

144.1 There were none.

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

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

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

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

**147 APPEAL DECISIONS**

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

The meeting concluded at 4.11pm

Signed

Chair

Dated this

day of



# **ITEM A**

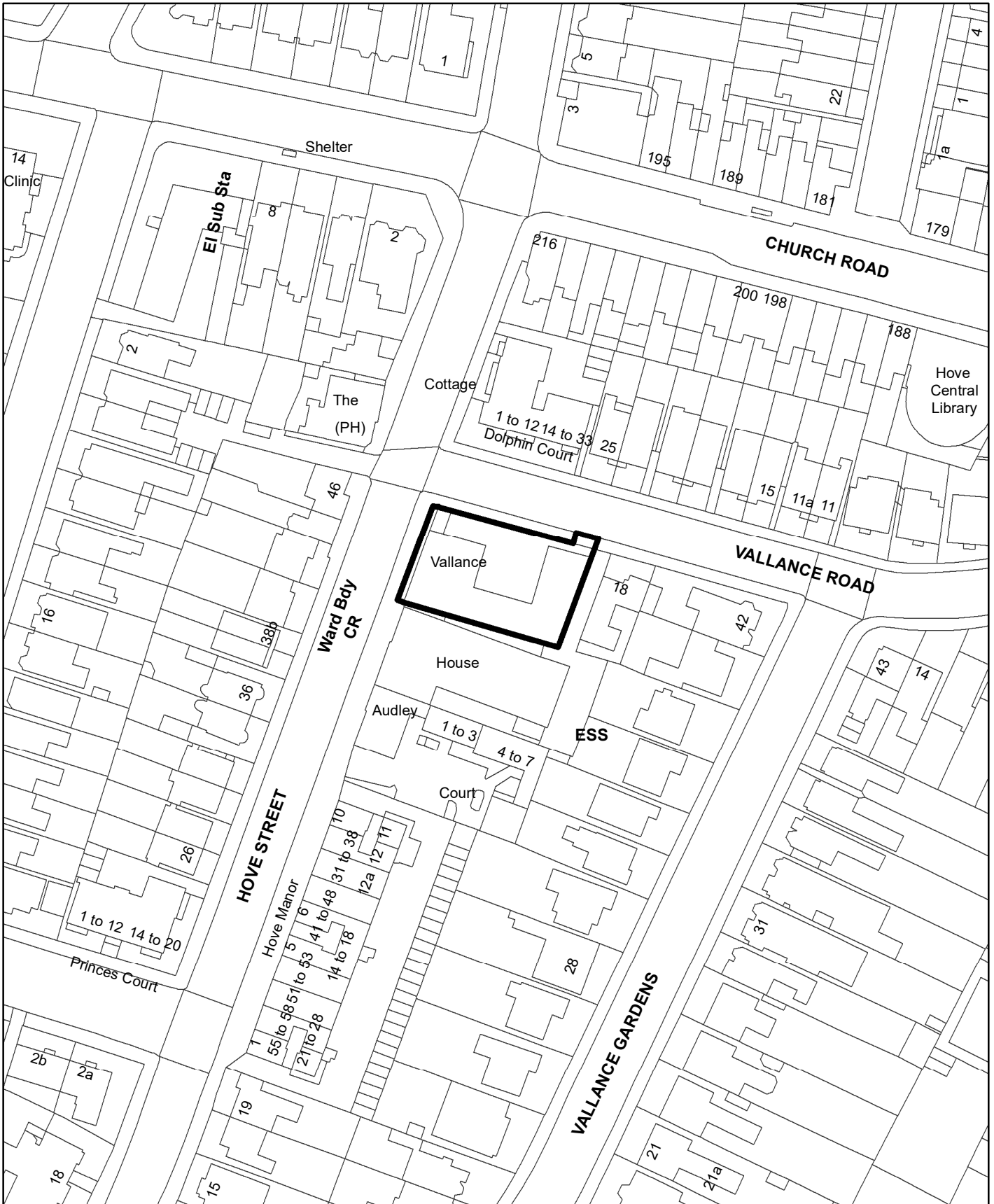
**Vallance Hall, 49 Hove Street  
BH2019/01180  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**





# BH2019 01180 - Vallance Hall, 49 Hove Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/01180</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Vallance Hall, 49 Hove Street, Hove, BN3 2DE</b>		
<b><u>Proposal:</u></b>	<b>Partial demolition of existing courtyard buildings and erection of four storey B1 office building with lower ground floor levels incorporating underground car park, alterations to existing building and associated works including new vehicular access.</b>		
<b><u>Officer:</u></b>	Robin Hodgetts	<b><u>Valid Date:</u></b>	17.05.2019
<b><u>Con Area:</u></b>	Old Hove	<b><u>Expiry Date:</u></b>	19.03.2021
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Andy Parsons, Yelo Architects, Olivier House, 18 Marine Parade Brighton, BN2 1TL		
<b><u>Applicant:</u></b>	Engleharts Solicitors, Vallance Hall, Hove Street, Hove, BN3 2DE		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **be MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 7 October 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of this report:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below. *[Note: these will be included on the Late List]*  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
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 premises shall be used as an office (Use Class E(g) (i) and (ii) only) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** To ensure the identified demand for office development in the city is satisfactorily met and as the impacts of an office use only have been assessed , to comply with policies CP2, CP3 and CP9 of Brighton and Hove City Plan Part One and QD27 and TR7 of the Brighton and Hove Local Plan .

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

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

5. The development hereby permitted shall not be commenced (except for demolition) until details of the proposed new vehicular crossover and access to the public highway on Vallance Road has been submitted to and approved in writing by the Local Planning Authority. The approved access and crossover shall be implemented before the development is first occupied.

**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 and Hove City Plan Part One.

6. No development shall take place (except for demolition) until details of a method for controlling vehicular access to and from the basement entrance ramp (such as traffic lights/barrier(s)/speed bump(s),together with the relevant electronic control system) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details prior to first occupation and retained thereafter.

**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 and Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until the redundant vehicle crossover on Vallance Road 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. No development, including demolition or site clearance, shall take place until a Construction Environmental Management Plan (CEMP) and Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP and DEMP shall at least include:

- A. The phases of the proposed construction/demolition including the forecasted completion date(s)
- B. 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)

- C. A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- D. Details of hours of construction including all associated vehicular movements
- E. Details of the any construction compound
- F. A plan showing construction traffic routes
- G. Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
- H. Details of tree protection measures in relation to street trees in Vallance Road

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, CP2, CP3, CP9, CP11, CP13 and CP15 of the City Plan Part One .

9. Notwithstanding the cycle parking facilities shown on the submitted plans, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority including the provision of visitor spaces outside the main entrance of the building. 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:** The cycle parking as shown does not fully meet the standards required in SPD14 and further provision should be explored 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 and Hove Local Plan and SPD14: Parking Standards.

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

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

11. The development hereby permitted shall not be occupied until the disabled parking area on the approved plans has been fully implemented and made available for use. The approved facilities 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.

12. Within 6 months of first occupation of the development hereby permitted details of crime prevention measures incorporated within the development shall be

submitted to and approved in writing by the Local Planning Authority. This could be demonstrated by a Secure By Design Developers Award Certificate or equivalent alternative.

**Reason:** In the interests of crime prevention and visual amenity, to comply with Policy CP12 of the Brighton and Hove City Plan Part One.

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

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

14. Prior to first occupation of the development hereby permitted details of a scheme to enhance biodiversity of the site will be submitted to the Local Planning Authority, to include soft landscaping, bird boxes (including for swifts), bat boxes and bee bricks including their type, location, timescale for installation and details of maintenance shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details prior to first occupation and retained thereafter.

**Reason:** To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies of the Brighton & Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

15. Details of any external lighting proposed shall be first submitted and approved in writing by the Local Planning Authority before installation. The details shall include location, appearance and level of illumination. The approved details shall be implemented within the development before it is first occupied.

**Reason:** In the interests of visual and general amenity to comply with policies QD25 and QD27 of the Brighton and Hove Local Plan.

16. 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.

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

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

18. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
19. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
20. No development apart from demolition shall take place until:
  - A. A detailed design and associated management and maintenance plan of foul and surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Details of rainwater attenuation at roof level shall be included. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding and should detail a proposed maintenance regime.
  - B. A detailed design, updated drainage calculations, and associated management plan as per the recommendations of the Drainage Strategy and SUDS Statement dated 26<sup>th</sup> April 2021 has been submitted to and approved in writing by the Local Planning AuthorityThe approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.  
**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy CP11 of the City Plan Part One and Policy SU3 of the Brighton and Hove Local Plan.
21. No development shall take place except demolition until an Energy and Sustainability Statement has been submitted and approved in writing by the Local Planning Authority. This shall detail how the development addresses both operational carbon emissions and embodied carbon and how the development will meet BREEAM excellent standard.  
**Reason:** To demonstrate how the building will meet the requirements of City Plan Part One Policy CP8 and be sustainable.
22. Within 6 months of first occupation of the development hereby approved, a Post

Completion Preliminary Assessment confirming that the development built has achieved a minimum BREEAM New Construction rating of 'Excellent', shall be submitted to, and approved in writing by, the Local Planning Authority.

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

23. No development above ground floor slab shall take place until full details of all new sliding sash window(s) to be replaced within the existing building and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details before first occupation of the new extension hereby permitted and shall be retained as such thereafter.

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

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

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

25. The development hereby permitted shall not be commenced until details and samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:

- a) samples of brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding and louvres to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) details of windows, doors, rooflights and railings
- e) details of all other external materials to be used

Development shall be carried out in strict 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.

26. Notwithstanding the hard and soft landscaping proposed as shown on the submitted plans, no development above ground floor slab level shall take place until details of a revised hard and soft Landscaping Scheme for areas within and immediately adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard surfaces, means of enclosure, additional planting areas within the site, and details of species, to include some food bearing plants, and shall include a



replacement semi-mature street tree within the public highway in Vallance Road. Details of the type and size of tree pit shall be submitted.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and in the interests of highway safety and biodiversity and to compensate for the loss of a street tree as part of the scheme, to comply with policies QD15, QD16, QD18 and TR7 of the Brighton and Hove Local Plan and, CP10, CP13 and CP12 of the Brighton & Hove City Plan Part One

27. The development shall not be first occupied until the approved Landscaping Scheme has been implemented. All planting or seeding in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and in the interests of highway safety and biodiversity and to compensate for the loss of a street tree as part of the scheme, to comply with policies QD15, QD16, QD18 and TR7 of the Brighton and Hove Local Plan and, CP10, CP13 and CP12 of the Brighton & Hove City Plan Part One

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

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

29. Prior to its installation details of the plant/machinery enclosure on the roof will be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

30. Prior to occupation of the approved building, details of a staff shower for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facility 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 compliance with Policies CP8 and CP9 of the City Plan Part One, TR14 of the Brighton and Hove Local Plan and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 <https://beta.southernwater.co.uk/infrastructure-charges>. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. A formal application for connection to the water supply is required in order to service this development.
3. The applicant is encouraged to ensure the CEMP also includes the following information:
  - a) Details of any oversailing of the highway construction, falsework, formwork and scaffolding
  - b) Details of use of any cranes, lifts, escalators and lifting vehicles
  - c) Details of any Department for Transport Abnormal Load Notification and/or Order
  - d) A commitment that any temporary traffic management measures and/or marshalling of traffic on the highway, including that of both construction traffic and general traffic, shall be undertaken by Contractors holding National Highways Sector Scheme 12 (d) certification.
4. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received at any time with regards to noise, dust, odour or smoke, this does not preclude the Council's Environmental Health department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
5. The planning permission granted includes a vehicle crossover and removing of an existing crossover and addition of a new street tree which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. A Section 278 Agreement may be required for these works with the Local Highway Authority. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729 or 01273 293366) for necessary highway approval from the Highway Authority prior to any

works commencing on the adopted highway to satisfy the requirements of the condition.

6. The details submitted to manage the use of the ramp and new vehicle access should include details of the material finish to the surface of the ramp, to verify the friction grade / slip resistance proposed for the ramp; and measures they propose to maintain it at the design level; especially in winter
7. It is recommended that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.
8. The drainage calculations submitted in relation to condition 20 should be amended to reflect the below comments.  
The changes will likely result in a larger attenuation tank required.
  - Consideration of the 1 in 100 year event +40% allowance for Climate Change is required. While the output numbers in the body of the drainage strategy reflect this, the calculations show only 20% CC has been applied.
  - Planters are not to be considered storage features areas for the purposes of runoff calculations. Instead, they may be considered permeable areas contributing a reduced runoff rate. Storage would inappropriately imply that they are being drained into.
9. Additional information should be provided in relation to the drainage details required by condition 21:
  - details of the drainage features such as the attenuation tank and control device
  - details of the mitigation measures to reduce risk of surface water ingress into the underground parking (ground levels and slopes in addition to details of the Aco Drains shown in the plan drawing)
  - details of the mitigation measures to reduce risk of surface or ground water ingress into the basement (such as waterproofing measures)
  - the manhole schedule.
  - An appropriate maintenance plan. The maintenance plan provided in the drainage strategy is acknowledged but was found to lack the required identification of the parties responsible for implementing the maintenance actions.

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

- 2.1. The application relates to a two-storey building on the corner of Hove Street and Vallance Road. The site is currently in use as an office block (Use Class E (g)), occupied by a solicitors' firm. At the rear of the site is an 'L' shaped single storey annexe building in use as additional office space and storage.
- 2.2. The site lies within the Old Hove Conservation Area. Regent House and Audley House are located to the south of the site, both of which are locally listed.
- 2.3. The proposal is to demolish the single storey annexe at the rear of the site and erect a four storey office block (Use Class E (g)) with two basement levels

providing on-site parking which would connect to the existing building on the corner of Hove Street and Vallance Gardens. No changes to the use of the site are proposed.

- 2.4. The building would be of contemporary design. Red brick and terracotta cladding is proposed to complement the existing building on the site, with grey aluminium window frames.
- 2.5. Additionally, existing uPVC windows on the current building would be replaced with timber to improve its appearance and consistency. No other alterations would be made to the existing building.
- 2.6. A new vehicular access is proposed onto Vallance Road. One street tree would be lost as a result of the proposal.
- 2.7. Amendments were made during the lifetime of the application at the request of the Urban Design Officer to further reduce massing, bring the building frontage in line with the existing building and step back the top floor further. Materiality was also improved with a commitment to use materials appropriate for the conservation area.

### **3. RELEVANT HISTORY**

- 3.1. Pre-application advice was sought (PRE2018/00145) in April 2018. Following discussions, and as a result of this, pre-application advice, the following changes were requested by the Heritage Officer:
  - Front building line of extension to be moved back in line with existing building.
  - Facade of extension to reference proportions of existing building.
  - Gap between existing building and extension to be increased.
  - 'Steps' to be taken out of massing of extension.
  - Residential flat be removed if possible.
  - Double pitch to be introduced to north facade of existing building.
- 3.2. All of the above requested changes have been made to the proposal scheme.
- 3.3. **BH2016/00239** - Extensions and alterations to existing office building including demolition of rear office annexe and erection of 5no dwellings (C3), two storey side extension, first floor rear extension, roof alterations including extensions and installation of dormers to front elevation and associated works. Refused 27.06.16
- 3.4. **3/92/0514 (F)** Change of use from Post Office Sorting Office with ancillary stores and offices to Auction rooms with ancillary stores and offices. Approved 6/11/92.
- 3.5. **3/88/0267** Demolition of uniform store and construction of extension to sorting office. Approved 23/04/88.
- 3.6. **M/2732/53** Extension of existing post office premises. Approved.

#### 4. REPRESENTATIONS

- 4.1. Nine **(9)** letters have been received objecting to the original proposed development for the following reasons:
- Adversely affects Conservation Area
  - Adverse affect on listed building
  - Because of the Additional Traffic
  - Detrimental affect on property value
  - Inappropriate Height of Development
  - Overdevelopment
  - Overshadowing
  - Poor design
  - Restriction of view
  - Noise
  - Too close to the boundary
- 4.2. Following substantial amendments to the design and scale of the scheme the following were received:
- 4.3. Eleven **(11)** letters objecting to the amended proposed development for the following reasons:
- Adverse affect on listed building
  - Adversely affects Conservation Area
  - Because of the Additional Traffic
  - Detrimental affect on property value
  - Inappropriate Height of Development
  - Noise
  - Overdevelopment
  - Overshadowing
  - Poor design
  - Too close to the boundary
  - Traffic or Highways

#### 5. CONSULTATIONS

##### **Internal consultees**

- 5.1. **City Regeneration:** no objection subject to Section 106 contributions  
City Regeneration has no adverse comments regarding this application.
- 5.2. City Regeneration welcomes the new office employment space that this scheme will create subject to contributions secured by Section 106.
- 5.3. **Environmental Health:** no objection subject to conditions  
There are concerns about how local residents will be affected during the construction of the proposed development. Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various

individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour.

- 5.4. It is therefore recommended that a Construction Environmental Management Plan be required, which may necessitate the final developer signing up to a section 61 prior agreement. The CEMP may be secured through the Section 106 process, if applicable.
- 5.5. **Heritage:** no objection subject to conditions  
Substantial amendments to the design approach, materials, form and detailing of the proposed building have been made, and the scheme as now submitted is considered to be a significant positive move in the proposed re-development of this plot.
- 5.6. Subject to confirmation that the enhancements to the north and east elevation with replacement of the existing inappropriate windows remains part of the scheme, the Heritage Team is now able to support this proposal subject to conditions.
- 5.7. **Policy:** no objection subject to conditions  
The application seeks to upgrade and extend an existing office building, substantially increasing the floorspace and providing high quality flexible office space in a centrally located and sustainable location. This would comply with and support City Plan Policies CP2 and CP3, helping to meet an identified need for higher quality office space in the city.
- 5.8. The site is surrounded by a range of existing uses and buildings, mainly residential, and lies within the Old Hove Conservation Area (CA) and an Archaeological Notification Area (ANA) with locally listed buildings to the south of the site. As such, the proposed layout and design will need to be carefully considered in terms of its visual, amenity and heritage impacts.
- 5.9. **Sustainability:** Unable to fully comment  
Unable to provide sustainability comments on planning application BH2019/01180 Vallance Hall, as no information has been provided by the applicant.
- 5.10. Recommend a condition to provide an Energy and Sustainability Statement to demonstrate how the building will meet the requirements of City Plan Part One Policy. In particular the developers should note that a BREEAM assessment is required for non-residential buildings.
- 5.11. **Sustainable Drainage:** no objection subject to conditions requiring submission of further information  
Design in principle appears acceptable but requires amendments to drainage details. These can be secured via a condition requiring submission of more details prior to commencement of the development.

- 5.12. **Sustainable Transport:** no objection subject to conditions  
We can confirm that we no longer have an objection to the proposals subject to the inclusion of recommended Conditions/Obligations.
- 5.13. There are further aspects of the proposals that remain unsatisfactory or less than ideal. However, these can potentially be resolved if the applicant and LPA agree on a suitably worded obligation or condition with us before determination.
- A delivery and servicing management plan to be secured by Condition
  - A DEMP/ CEMP secured by Condition.
  - A travel plan can be secured by Obligation.
- 5.14. **Urban Design:** no objection subject to conditions  
Current proposals present a significant improvement to scale, built form, layout and especially to appearance which has been very well considered and successfully marries contextual sensitivity with contemporary character. Generally, proposals present a scale and massing which is considered to be contextually appropriate and sympathetic to the existing building and adjacent properties. The proposals present an elevational composition which clearly references that of the existing Valance Hall, yet retains a modest, subservient and contemporary character
- 5.15. Materially, the choice of a red brick, light mortar and cream accents is a clear reference to the existing building. This heritage inspired palette is combined with contrasting concrete/stone fenestration panels, large format glazing and terracotta louvres, and is detailed contemporarily, generating a visually attractive and high interest appearance which successfully marries heritage and contemporary styles. The recommendation is to support proposals. However, some further information should be sought by condition regarding:
- Landscape design and planting specification;
  - Roof-level rainwater attenuation and planting specification;
  - Carbon performance.
- External consultees**
- 5.16. **Brighton and Hove Archaeology Group:** no objection  
This planning application lies within an area of archaeological sensitivity. Finds from around this location have included Neolithic arrow heads, Bronze Age palstaves and the local church may have Saxon origins
- 5.17. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.
- 5.18. **County Archaeologist:** no objection subject to conditions  
The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.
- 5.19. **Conservation Advisory Group:** objection

- The scale and design with its flat roof and boxy features are harmful to the host (corner) building which although built as commercial premises, is in the style of a (Georgian) residential terrace with a pitched roof.
- Whilst the design of the proposed added floor to the host building is welcomed the proposed extension dominates the host building rather than being subservient to it as is the case with the existing extensions.
- The scale and design are very harmful to this part of the conservation area which is characterised by two storey Edwardian residential properties in Vallance Road especially.
- The proposed driveway to an underground car park would be an unattractive feature facing Vallance Road.
- The Group requests an archaeological assessment to be made before any major development, given the proximity to old Hove village.

Note: This comment was made regarding the original design. No comments have been received following the amendments.

5.20. **Power Networks:** no objection.

The proposed development is in close proximity to substation – various detailed notes as landowner/operator

5.21. **Sussex Police:** No objection

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific needs should be considered, with reference to the Secured by Design (SBD) Commercial Development 2015 document.

5.22. Given the inclusion of lower ground floor underground parking within the development, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.

5.23. **Southern Water:** no objection

Initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. It is the responsibility of the developer to make suitable provision for the disposal of surface water. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

5.24. Although no objection to the development, further information will be required to be submitted prior to commencement of the development. This can be secured by 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 JAAP (adopted October 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part 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
CP16	Open space

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD25	External lighting
QD27	Protection of amenity
HE6	Development within or affective the setting of conservation areas

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when

the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. 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.

DM11	New Business Floorspace
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Document:

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

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to:
- Principle of developing the site for additional office use (Use Class E(g))
  - Impact on the character and appearance of the existing building and the wider locality, including the setting of nearby conservation areas and listed (and locally listed) buildings
  - Impact on the amenity of occupiers of nearby properties
  - Impact in terms of sustainable travel
  - Sustainability and biodiversity, including BREEAM
  - Local Employment Scheme and other Section 106 requirements

**Principle of developing the site for a E1(g) (previously B1) office use**

- 8.2. The application proposals seek to upgrade and extend an existing office building, adding 2876 m<sup>2</sup> (including basement levels) to the existing Class E(g) floorspace of 898 m<sup>2</sup>. This involves partial demolition, and the scheme would be accommodated within the existing office site. The proposed office layout has been designed to meet the needs of the applicant (the current occupier), but has a flexible modular layout, which potentially could be used as space for several smaller businesses, including start-ups. As such, the development would comply with and support City Plan Part 1 (CPP1) Policies CP2 and CP3, helping to meet an identified need for higher quality B1 (now E1(g)) office space in the city.
- 8.3. The application site is in a sustainable location in central Hove, allowing easy access to employees by public transport, cycling and walking. It is located in a

mixed commercial and residential area, where an office use is appropriate. Considering there is no proposed change in the use of the site and the proposal would deliver a significant increase in floorspace (and jobs) and make more effective and efficient use of the site, the proposal is supported in principle.

- 8.4. To conclude, delivery of modern office floor space is particularly welcomed in this location and, in accordance with paragraph 80 of the NPPF, considerable weight is given to the significant economic benefits of the proposal. The proposal is welcomed by both the council's City Regeneration and Planning Policy Teams.

**Impact on the amenity of occupiers of nearby properties**

- 8.5. The main consideration in terms of impact on neighbouring properties is the potential for overshadowing and loss of light to neighbours to the east (residential) and the south (office). There is also a six storey residential block of flats to the north, however, this is across a road and is thus less affected.
- 8.6. To the east of the site at 18 Vallance Road, lies a single storey residential bungalow separated from the new building by a small access road. The proposed development would, to an extent, impact on the light levels and sense of enclosure to the rooms on the west side of this property. However the impact on these rooms has been lessened to an acceptable level by the amendments made to the scheme, especially the reduction in size of the fourth storey, which has pulled it back from the edges.
- 8.7. Based on information provided by the occupant of this bungalow and a previous planning application, it has been possible to ascertain that none of the windows in this elevation are the sole windows to primary accommodation rooms. While it is recognised that there will be some degree of loss of light to these rooms and an increased sense of enclosure, it is not considered to be significant enough to warrant refusal.
- 8.8. Regent House lies immediately to the south and is occupied by offices. The proposed building would be approximately the same height as Regent House and as such will impact on the light levels and overshadowing of the windows on the north elevation at second floor level. While this is regrettable, the impact will be minimised by the fact that the affected windows are north facing so the loss of sunlight would not be a significant factor. Further, this is a relatively central area of the city and contains examples of higher density development, and such relationships between commercial premises is not inappropriate. The amenity of offices and other commercial uses does not carry as much weight as that placed on residential elements and as such, while a degree of loss of light and sense of enclosure is recognised, this is not considered significant enough to warrant refusal of the planning application. The current offices on this part of the site are low-rise and the proposal would make more effective use of the site, which is welcomed.
- 8.9. A site visit was undertaken and the impact of the proposal on all the neighbouring properties has been fully assessed and is not considered to be significant, and in compliance with policy QD27 of the adopted Brighton & Hove Local Plan which

seeks to protect amenity and neighbouring occupiers, and emerging policy DM20 of City Plan Part 2 (which can be given significant weight).

- 8.10. As a major development in a central urban location it is considered necessary to ensure compliance with a Construction Environmental Management Plan (CEMP) secured by condition to ensure noise, disruption and general environmental impact during construction is controlled in a satisfactory manner. The Environmental Health Team raise no objection on this basis.

**Design and its impact on the setting and heritage assets**

- 8.11. This site is in the Old Hove Conservation Area, adjacent to the locally listed Regent House and Audley House (former fire station by Clayton & Black). This early 20th century property is on a prominent site at the corner of Vallance Road and Hove Street and has a sympathetic relationship with Regent House and Audley House being similar in scale materials and style, although detailing differs. It is currently used as an office.
- 8.12. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given “considerable importance and weight”.
- 8.13. The proposed building would utilise most of the footprint of the site, which has its own individual character as it is a corner property with characteristics of both Hove Street and Vallance Road. The proposed building would be of a similar height and scale as the existing building on the site and the offices in Regent House to the south. The site is very sustainable, and the development makes very effective and efficient use of it, which is welcomed.
- 8.14. For the reasons set out in the comments from the Heritage team and Urban Designer, the proposal is considered to respect the surrounding scale, hierarchy and massing of existing built form in both the immediate and wider context. The proposed contemporary design is considered to be of good quality and sympathetic to its surroundings, and to preserve the special character and appearance of its heritage setting.
- 8.15. The applicant carried out detailed pre-application discussions with officers including the Heritage Team, and the scheme has evolved positively, the main changes being the building now occupies less of the footprint and has had its fourth storey reduced in scale, as well as improvements to the materiality of the building which better respect the character of the surrounding area and heritage assets.
- 8.16. Further details were requested which can be secured by conditions:
- Landscape design and planting specification;
  - Roof-level rainwater attenuation and planting specification;
  - Carbon performance.
  - Fenestration detailing

- 8.17. As a result the development is considered to be of a suitable scale, massing and design for the site which makes effective use of the land to provide much needed employment space for the city and is considered to represent a high quality design, in compliance with Policies HE6 of the Brighton and Hove Local Plan, Policies DM26 and DM29 of City Plan Part 2 (which can be given significant weight), and Policy CP15 of the City Plan Part One.

**Impact in terms of sustainable travel**

- 8.18. The development aims to meet travel demand through on-site car and motorcycle parking and via promotion of sustainable modes through provision of cycle parking, on site showers and electrical charging points. The site is well located to take advantage of existing bus routes and is within walking distance of Hove Station.
- 8.19. The promotion of sustainable modes is welcome and complies with the main thrust of national and local policies CP9 of the City Plan Part One, TR14 and TR18 of the Brighton and Hove Local Plan, DM33 of City Plan Part 2 (which can be given significant weight), as well as SPD14.
- 8.20. The trip distributions for the development indicate that it would result in an additional 28 two-way vehicle movements in the AM peak, and 26 two-way vehicle movements in the PM peak, including 2 LGV and 2 taxi movements in the AM and PM Peaks, and a single OGV (other goods vehicle) trip across the day.
- 8.21. A Travel Plan has also been requested by Transport Officers, but these this is also considered disproportionate to the scale and nature of the development. Policy DM35 of City Plan Part 2 (which can be given significant weight) notes that Travel Plans are required to support applications that are likely to generate 'significant amounts of movement/travel', which is not the case with this development.
- 8.22. As the proposed office is likely to generate minimal deliveries throughout the day with the majority of deliveries being LGVs and taxis which typically have shorter dwell times, we are satisfied that these can be undertaken kerbside and it is not expected to increase to a level where it would impact the local road network. A Delivery and Servicing Management Plan has been requested by Transport Officers, but it is not considered justified, given the nature of the use (office), and their acknowledgement that any increase would be minimal.
- 8.23. The overall proposed quantum of car and cycle parking on the site (11 car spaces and 28 cycle spaces) is agreed and meets the requirements of SPD14. Further details on the specific design of the cycle stands, and provision of disabled bays and electrical charging will be secured by condition.
- 8.24. There is no planned change to the number of resident parking bays on Vallance Road and no off-site parking will be required for the proposed development.

- 8.25. Concerns were originally raised over the proposed carpark entrance ramp gradient which had between a 1:6 and 1:12 transition. An amended lower ground floor and ground floor plan have been submitted which shows a 1:20 gradient for the first 3.0m from the edge of the footway. The ramp would have a maximum gradient of 1:7 with transitions of 1:10. This is considered to be appropriate. A traffic light system has also been agreed to manage the entry and exit of vehicles into the basement and a barrier will be implemented to prevent conflict with pedestrians on the footway. A condition will be applied to agree the details of this.
- 8.26. Conditions and s106 requirements would ensure that highway safety is maintained including through the provision of a new vehicular access and management of this via a barrier/traffic light system secured by condition.

### **Sustainability and biodiversity**

- 8.27. Limited details relating to specific sustainability measures for the development have been submitted with this application, which is disappointing, however these can be conditioned as detailed in the Sustainability Officers comments on the application. In their Design and Access Statement the applicant does commit in principle to a fabric first approach with high levels of insulation and the design aims to maximise use of natural light and ventilation, which is welcomed.
- 8.28. The applicant also commits to provision of a green living roof and use of sustainable drainage systems, which is welcomed. These measures within a standard of BREEAM 'excellent' can be secured by condition to ensure delivery in accordance with policy CP8 of City Plan Part 1. The council's Sustainability Officer was unable to comment on the application due to a lack of information but conditions were recommended.
- 8.29. The development does provide the opportunity to include measures to enhance biodiversity and this can be secured by condition to comply with relevant policy. Conditions can secure details of the green roof, details of bat and bird nesting boxes, and details of a landscaping scheme which includes soft landscaping.
- 8.30. A street tree would be required to be removed to provide the vehicular access on Vallance Road. This is very unfortunate but is necessary to provide access to the basement parking. It is only considered acceptable on the basis the impact is mitigated against by a new replacement street tree in Vallance Road. A landscaping condition will ensure this is provided and it will need to form part of the package of highway works associated with this scheme.
- 8.31. Although no details have been submitted relating to rainwater management and drainage on the site, Southern Water, the Environment Agency, the Drainage Officer and the Sustainability Officer have raised no objection to the proposal provided appropriate conditions are imposed requiring further detail prior to commencement of development.
- 8.32. No information has been provided relating to waste and recycling storage and no comments has been received from City Clean so a condition requiring details of these to be agreed has been recommended.

### **Other Considerations**

- 8.33. An Employment and Training Strategy which commits to using at least 20% local employment during the construction phase would be secured by Section 106 legal Agreement, as well as a financial contribution of £24,840 towards the council's Local Employment Scheme. This is welcomed by the council's City Development and Regeneration Team and complies with policy and the Developer Contributions Technical Guidance and policy CP7.
- 8.34. Impacts with regard to archaeology and crime prevention can be appropriately dealt with via condition.

## **9. COMMUNITY INFRASTRUCTURE LEVY**

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020.
- 9.2. As the development is for additional office space only (Use Class E(g)) it is not liable for CIL.

## **10. EQUALITIES**

- 10.1. The scheme will meet Part M of Building Regulations. All common areas will be fully accessible. A wheelchair accessible W.C./shower is provided at ground floor level. Disabled parking spaces are proposed. There is lift access and it would be accessible for wheelchair users.

## **11. SECTION 106 HEADS OF TERMS:**

- Financial contribution of £24,840 towards the Local Employment Scheme
  - Employment and Training Strategy
- 11.1. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to deliver a skills and employment strategy in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  2. The proposed development fails to deliver a contribution skills and employment contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.





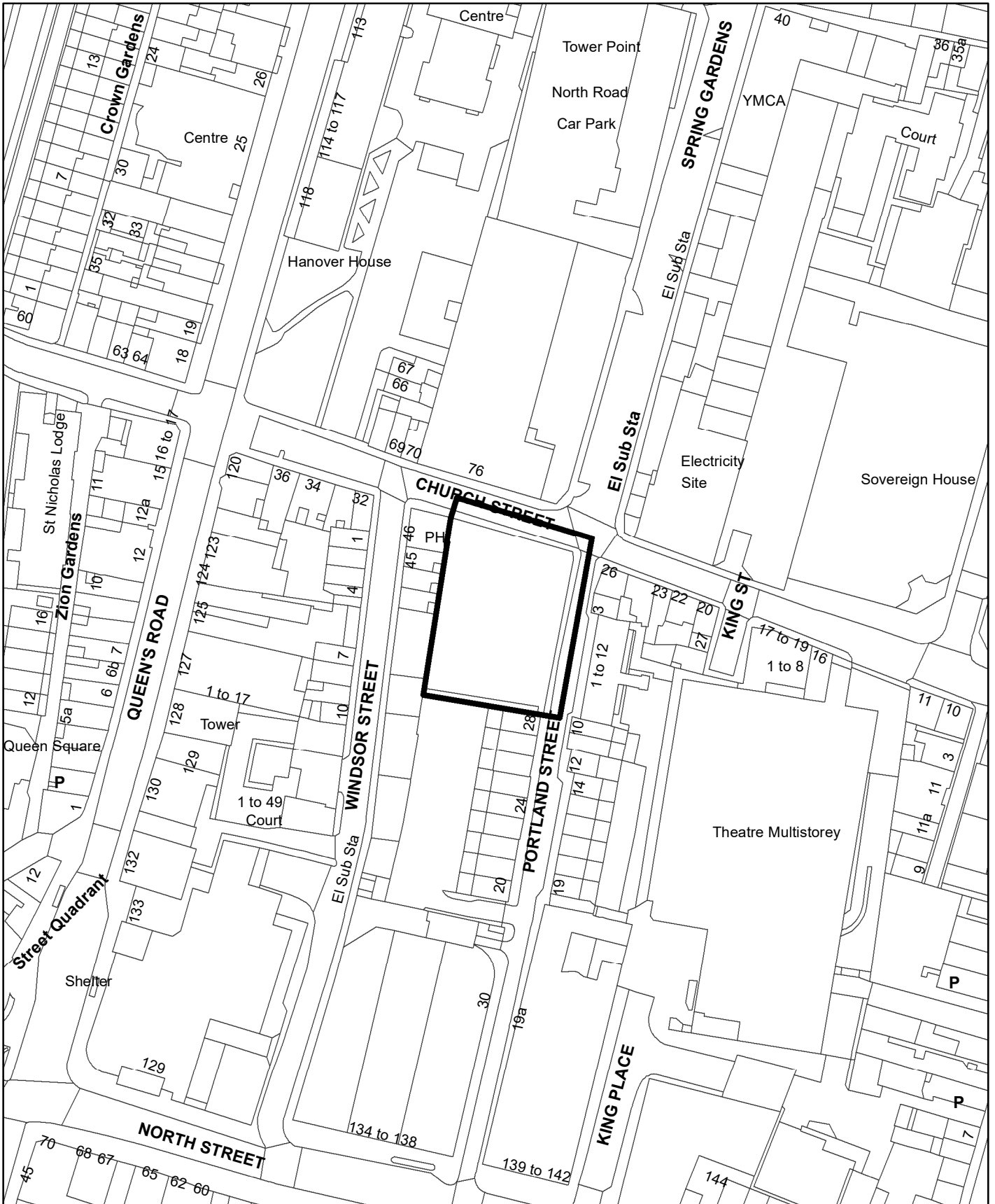
# **ITEM B**

**27-31 Church Street  
BH2020/02801  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**



# BH2020 02801 - 27-31 Church Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/02801</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>27 - 31 Church Street Brighton BN1 1RB</b>		
<b><u>Proposal:</u></b>	<b>Erection of four storey office building (Use Class E) together with cycle parking and landscaping.</b>		
<b><u>Officer:</u></b>	Luke Austin, tel: 294495	<b><u>Valid Date:</u></b>	15.10.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	14.01.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	19.05.2021
<b><u>Agent:</u></b>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	SM Brighton Ltd 17-19 Dungannon Road Cookstown Northern Ireland		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 7 October 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of this report:

### **S106 Heads of Terms**

#### Employment:

- Submission of an Employment & Training Strategy
- A financial contribution of £36,250 towards the Local Employment Scheme

#### Five Year Travel Plan

#### Highways Works

- Widening of footway along the Church Street frontage
- Relocating 1 x motorcycle parking bay (currently on Church St) to accommodate the above
- Introducing 2 x on-street blue badge bays on Spring Gardens
- Associated build-out on Church Street to include 8 no. visitor cycle parking
- Relocating 1 x motorcycle parking bay (currently on Spring Gardens) to accommodate the above
- Widening the footway along the Portland Street frontage
- Removing a redundant vehicle crossover on Portland Street
- Repaving/ surfacing of the footways immediately abutting the site

- Removal of street furniture including existing lighting column at Church Street/ Portland Street junction
- Dropped kerbs and tactile paving Church Street/ Portland Street junction
- Highway structure checks (given proximity to the basement).

#### Access Agreements

- Requirement to enter into an appropriate mechanism to ensure that the finalised highway solution on Portland Street can also be used by the public and maintained, the details of which will be agreed between the LPA and the developer.

#### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	20013 DL(PL) 01		12 October 2020
Proposed Drawing	20013 DL(PL) 100	02	28 May 2021
Proposed Drawing	20013 DL(PL) 101	02	28 May 2021
Proposed Drawing	20013 DL(PL) 102	02	28 May 2021
Proposed Drawing	20013 DL(PL) 103	02	28 May 2021
Proposed Drawing	20013 DL(PL) 104	02	28 May 2021
Proposed Drawing	20013 DL(PL) 105	02	28 May 2021
Proposed Drawing	20013 DL(PL) 150	02	28 May 2021
Proposed Drawing	20013 DL(PL) 20		28 May 2021
Proposed Drawing	20013 DL(PL) 200	02	28 May 2021
Proposed Drawing	20013 DL(PL) 201	02	1 October 2020
Block Plan	20013 DL(PL) 10		1 October 2020
Proposed Drawing	20013 DL(PL) 202	02	28 May 2021
Proposed Drawing	20013 DL(PL) 203	02	28 May 2021
Proposed Drawing	20013 DL(PL) 250	02	28 May 2021
Report/Statement	ARCHAEOLOGICAL ASSESSMENT		1 October 2020
Report/Statement	BREEAM ENERGY PRE-ASSESSMENT		1 October 2020
Report/Statement	DAYLIGHT & SUNLIGHT ASSESSMENT		1 October 2020
Report/Statement	Design _ Access Statement		1 October 2020
Report/Statement	Energy Report		1 October 2020
Report/Statement	Land Contamination Assessment		12 October 2020
Report/Statement	Noise Impact Assessment		1 October 2020

Report/Statement	Ecological Appraisal		1 October 2020
Report/Statement	Drainage Works		1 October 2020
Report/Statement	Transport Assessment		1 October 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. 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.
  
4. The premises hereby permitted, marked as OFFICE on the ground, first, second, third and fourth floors on the approved plans, shall be used as an office (Use Classes E(c) and E(g)) only and for no other purpose (including any other purpose in Class E of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policy CP3 of Brighton & Hove City Plan Part One.
  
5. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014. In addition, there shall be no significant low frequency tones present.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
  
6. Notwithstanding plans hereby approved, prior to commencement of development a Stage 1 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

7. No development above ground floor slab level shall be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
- a) samples or details of brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples or details of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples or details of all hard surfacing materials
  - d) samples or details of the proposed window, door and balcony treatments
  - e) samples or 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.

8. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
  - (ii) A 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)
  - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
  - (iv) Details of hours of demolition and construction including all associated vehicular movements
  - (v) Details of the demolition and construction compound
  - (vi) A plan showing demolition and construction traffic routes

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

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

9. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be, to include food-producing plants, 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.

10. No development (excluding demolition) shall take place until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

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

11. No development shall take place until details of the construction of the biodiverse green roofs of the area as shown on the submitted plans, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, details of at least one insect boxes/'hotels' in each area of green roof and a maintenance and irrigation programme. The green roofs shall be chalk grassland and use a species that are locally native and of local provenance. The roofs shall then be constructed in accordance with the approved details before first occupation and shall be retained and maintained as agreed thereafter.

**Reason:** To ensure that the development contributes to sustainability and ecological enhancement on the site and in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

12. Unless otherwise agreed in writing, the development hereby permitted shall not be first occupied until details, including specification, scale and appearance of the proposed photovoltaic array at roof level plans has been submitted to and approved in writing by the Local Planning Authority. The agreed array shall be implemented before first occupation.

**Reason:** To ensure the development is sustainable and reduces carbon emissions and has an acceptable appearance, to comply with policies CP8 and CP12 of the Brighton and Hove City Plan Part One.

13. Within 3 months of first occupation of the non-residential floorspace hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential floorspace built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to the Local Planning Authority for approval.

**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.

14. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Preliminary Drainage and Flood Strategy 15648/01/FRA submitted with the application has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in perpetuity accordance with the approved detailed design.

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

15. No development above basement slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

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

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

17. The development hereby permitted shall not be first occupied until the showers and associated changing/locker areas in the ground level have been provided and fitted out ready for use. The facilities shall thereafter be retained for use by the occupants of, and visitors to the development at all times.

**Reason:** To promote the use of sustainable modes of transport to comply with policy CP9 of the Brighton and Hove City Plan Part One.

18. The development hereby permitted shall not be first occupied until:
- i. details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
  - ii. The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
- The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.
- Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan
19. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
20. 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.
21. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

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

22. The development hereby permitted shall not be occupied until the disabled parking area on the approved plans have been fully implemented and made available for use. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

23. Other than the balcony areas and terraces identified on the approved plans, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.

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

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

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

25. The communal roof terrace amenity spaces hereby approved shall only be used by occupiers between the hours of 7am-9pm Monday-Friday and 8am-10pm on Saturdays and Sundays.

**Reason:** To protect the amenity of occupiers of the development and neighbours from undue noise or disturbance, to comply with policy QD27 of the Brighton and Hove Local Plan.

26. The development hereby approved shall be implemented in strict accordance with the acoustic design criteria, and recommendations contained within Adnitt Acoustics, Ref: Report E20104/EAR/R1, and dated 28 August 2020. Specific reference should be made to "External Building Fabric Assessment" found on page 6 and 7 of the report and "Internal Building Fabric Assessment" found on page 8 of the assessment.

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

27. If relying on closed windows to meet the internal noise levels, appropriate alternative ventilation that does not compromise the facade insulation or increase internal noise levels. If applicable, any room should have adequate

ventilation e.g. trickle ventilators, (that should be open during any assessment). Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO2 under Approved Document F.

**Reason:** To protect the amenity of future residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
3. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

## **2. SITE LOCATION**

- 2.1. The application relates to a rectangular 0.12 ha. plot of land on the junction of Church Street and Portland Street within the North Laine Conservation Area. The site was previously occupied by industrial buildings and has remained vacant, other than several temporary uses, since it was cleared in 1996.
- 2.2. The site is bounded to the north by Church Street and by Portland Street to the east. To the west are a number of commercial and residential properties fronting onto Windsor Street and to the south is a large four storey residential/retail building fronting onto North Street.
- 2.3. The site is within a central area of the city and is surrounded by a number of buildings of various scales under various uses including commercial and residential. The former Drill Hall to the north of the site and Nos 20, 21 & 23 Church Street to the east are Grade II listed.

- 2.4. There have been a number of applications for mixed use development on the site including; BH2011/02401 for the erection of mixed use development comprising 9 residential dwellings, retail and offices which was allowed at appeal 08 February, and 93/1046/FP for the erection of a 5 storey office/retail building; both of which have been partially implemented and remain extant.
- 2.5. The site falls within the Central Brighton Area (SA2) and is part of a long-term mixed use allocated on a wider site with a residential element having already been provided. The site is allocated in the Proposed Submission City Plan Part 2 under Policy H1 (which can be given significant weight) for mixed use development.

### **3. THE APPLICATION**

- 3.1. The application seeks permission for the erection of a four-storey office block providing 3560sqm of office floorspace, with associated amenities for staff including a landscaped area to the west of the building.
- 3.2. The ground floor would provide a reception area with showers/changing for staff and exhibition space in addition to an open plan office space.
- 3.3. The first, second and third floors would provide open plan office space, with external amenity space/terraces provided at second storey and roof level.
- 3.4. The site would provide 2 off-site disabled parking spaces and 46 cycle parking spaces.

### **4. AMENDED PLANS:**

- 4.1. Amended plans have been received during the course of the application in response to design, heritage, amenity and transport concerns which are summarised below:
  - Design modifications to the main entrance
  - Revised material finishes
  - Updated elevational treatment
  - Increased width of footways surrounding the site
  - Provision of disabled bays
  - Amendments to cycle parking design and layout
  - Increased stand-off distance between proposal and Windsor Street
  - Proposed green wall to the west elevation
  - Amendments to fenestration
- 4.2. Additional information has also been provided including:
  - Bat Survey
  - Additional information regarding the daylight sunlight report
  - Additional sustainable transport reports

## 5. RELEVANT HISTORY

### 5.1. Date Key Milestones

11.10.2019 Pre-application submitted - PRE2019/00255 (see details below)  
01.10.2020 Application submitted

### 5.2. Pre-Application History:

The applicant entered pre-application discussions with BHCC which involved a number of meetings and input from relevant consultees. The council's Urban Design Officer was brought into the pre-application discussions at a later stage which resulted in two further meetings with written feedback given. Several iterations of the development were discussed during the consideration of the pre-application enquiry.

### 5.3. *Pre-Application Response Summary:*

- The principle of a mixed-use office led redevelopment of the site is supported and the provision of additional upgraded employment floor space is welcomed.
- The overall scale and massing of the building is an improvement over the original submission however further revisions/considerations are advised.
- The revised design is considered appropriate and includes strong design features that are sympathetic to the street scene and conservation area.
- Careful consideration and revisions are required to minimise harm to neighbouring amenity.

### Planning Applications:

- 5.4. **89/0749** - Demolition of existing buildings and erection of 4 storey office block (3020m<sup>2</sup>) plus an A1 and/or A2 and/or A3 unit fronting Church Street with basement parking for 28 cars (amendment following refusal 88/1348/F). Approved 06/06/1991.
- 5.5. **93/1046/FP** - Erection of 5 storey building comprising basement car park, A1, A2 or A3 unit (ground) remainder as offices. Amendment to 89/0749 including raising floor levels, elevation changes and general re-arrangements. Approved.12/08/1996.
- 5.6. **BH2001/02823/FP** - Construction of four-storey building with basement car park. comprising offices at upper ground to second and A1, A2 or A3 unit at ground floor on Church Street (amendment to previously approved and commenced permission Ref. 93/1046/FP). Withdrawn.
- 5.7. **BH2002/00211/FP** - Amendments to extant and commenced planning permission (93/1046/FP) involving the erection of four storey building comprising lower ground floor car and cycle parking, A1/A2 or A3 ground floor unit (fronting Church Street) with the remainder as offices. Approved 04/03/2002.
- 5.8. **BH2006/01813/FP** - Mixed use development accommodated on seven floors comprising 12 studio flats, 31 one-bedroom apartments, 7 two-bedroom

apartments, 3 three-bedroom apartments, 2 A1 (shop) units and 1 A3/A4 (cafe/bar) unit. Provision of 21 car parking spaces. **Withdrawn.**

- 5.9. **BH2011/02401/FP** - Erection of mixed-use development comprising 9no residential dwellings, retail and offices incorporating basement level parking and associated landscaping. Allowed on appeal 08/02/2013.
- 5.10. **BH2012/02555/FP** - Erection of mixed-use development comprising 9no residential dwellings, retail and offices incorporating basement level parking and associated landscaping. Approved 02/11/2012.
- 5.11. **BH2015/03236** - Removal of conditions 17 & 18 of BH2011/02401 of APP/Q1445/A/12/2181318. Approved 25/01/2016.
- 5.12. **BH2016/02226** - Application for variation and removal of conditions of application BH2015/03236. Variation of condition 2, 7 & 15 to allow amendments to the approved drawings and removal of condition 4 that requires detailed drawings approved under application BH2015/03397. Approved 02/12/2016.

## 6. REPRESENTATIONS

- 6.1. **Twelve (12)** letters have been received from, objecting to the proposed development for the following reasons:
- Overshadowing/loss of privacy
  - Impact on conservation area
  - Additional traffic
  - Inappropriate height
  - Overdevelopment
  - Poor design
  - Not in keeping
  - No housing
  - Noise from roof plant
  - Loss of light
  - Lack of parking
  - Increased congestion and pollution
  - Does not respect the urban grain
  - The area is overwhelmed by office space
  - The pavement is too narrow
- 6.2. A petition has been received with **21 signatures**, objecting to the proposed development on the following grounds:
- Out of scale with the surrounding buildings
  - Inappropriate bulk
  - Loss of light, overshadowing and loss of privacy
  - Missed opportunity for housing
  - Lack of off-street parking
  - Unsuitable for this location
  - Lack of demand for office space



- 6.3. The **North Laine Community Association** objects to the proposed development on the following grounds
- Detrimental to conservation area
  - Unsympathetic design
  - Does not respect urban setting
  - Overbearing on adjacent Grade II Listed Drill Hall
  - Impact on residential amenity
  - Inappropriate use
  - Impact on residents of Windsor Street and Portland Street,
  - Contrary to North Laine Conservation Area Statement and Draft Urban Design Framework SPD
- 6.4. **Councillor Lizzie Dean** objects to the proposed development. A copy of the letter is attached.

## 7. CONSULTATIONS

### Internal:

- 7.1. **Air Quality:** No objection  
Recommend approval, subject to confirmation of vehicle trips. Conditions recommended to secure to be combustion and emission free and avoid biomass burning, auxiliary diesel, CHP, gas or other fuelled boilers with chimney plume and NOx emission to air.
- 7.2. **Economic Development:** No objection  
No objection. Due to the size of the development, it meets the criteria as a major development and as such will be subject to developer contributions for the sum of £36,250 in line with the council's Technical Guidance for Developer Contributions. There will also be a requirement for the submission of an Employment and Training strategy relating to the site in respect of the construction phase of the development.
- 7.3. **Environmental Health:** No objection  
No objections subject to conditions securing acoustic building fabric, noise levels of plant and machinery, alternative ventilation and a discovery condition for potential land contamination,
- 7.4. **Heritage:** No objection  
The principle of an office development on this site has been established by previous approvals which are material considerations and, in principle, such development would preserve the mixed-use character of the North Laine conservation area. The principle of developing this long-term vacant site, which detracts from the appearance and character of the conservation area, is welcomed as having the potential to repair the urban form of the conservation area.
- 7.5. The scale and height of the development are considered to be acceptable and suitably reflect the historic context of the different scales and statuses of Church

Street and Portland Street. The design development of the scheme, as set out and illustrated in the Design and Access Statement, has generally responded positively to the pre-application advice, particularly at roof level.

- 7.6. The materials are considered to be acceptable in principle and details should be secured by condition.
- 7.7. The development would modestly enhance the appearance of the conservation area and would preserve the setting of the Grade II listed Former Drill Hall.
- 7.8. **Planning Policy:** Comment  
The proposal for a new build office is considered acceptable in principle as it would significantly contribute towards meeting the needs for new office floorspace in the city over the plan period. It is considered that the proposal would make an effective use of a central Brighton site which has been vacant for a number of years.
- 7.9. The applicant has not provided any residential element to the proposal. Whilst it is recognised there is an acute need for new residential development in the city, the low housing target overall for the mixed use residential allocation in the Proposed Submission City Plan Part 2 reflects the need for this Central Brighton site to deliver employment floorspace.
- 7.10. The provision of 3,625 GIA sq. m of new office floorspace is welcome and should be afforded significant weight. There are considered to be strong planning benefits to an office only scheme on this site.
- 7.11. **Sustainability:** No objection  
The targeted BREEAM score of 71.46% is only 1.46% above the 'excellent' BREEAM rating threshold and it would be helpful if this can be increased in order to avoid any slippage during construction. It is not possible to provide a full assessment of the building against City Plan CP8, as full details of the proposals for building fabric, thermal performance, heating, ventilation and cooling, and renewable energy have not been provided.
- 7.12. **Sustainable Drainage:** No objection  
No objection subject to conditions securing detailed design of surface water drainage prior to commencement.
- 7.13. **Sustainable Transport:** No objection subject to conditions  
It has been agreed with the applicant that the outstanding information required for the proposed highway works can be secured as part of the detailed design stage (s278).
- 7.14. Overall, the proposal will provide improvements within the vicinity of the site, including the widening of footways on Church Street and Portland Road. Currently, the footways in both these locations are substandard. The development will also provide two on-street disabled bays. As such, we can now confirm that we have no objection to the proposals subject to the inclusion of recommended conditions/obligations.

- 7.15. There are further aspects of the proposals that also remain unsatisfactory or less than ideal. However, these can be dealt with by condition/obligation.
- 7.16. **Urban Design: No objection**  
The amendments made during the process have mitigated any outstanding concerns regarding urban design. As such, recommendation is in support of proposals. Consider that further improvement could be made by adding windows to the stair core on the west elevation to gain natural light (obscured / screened to avoid overlooking) which may be sought by condition.
- External:
- 7.17. **Brighton and Hove Archaeological Society: Comment**  
The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development. The Society would suggest that you contact County Archaeology for further recommendations.
- 7.18. **County Archaeology: Comment**  
The site in question has already been subject to an archaeological trial trench evaluation undertaken in association with a previous application (BH2012/02555). Confirm that no further archaeological mitigation measures are required.
- 7.19. **Conservation Advisory Group: Object**  
The Group recommends REFUSAL. The design, scale and massing of the proposed block conflict with the existing townscape and streetscape and fail to respect the urban grain which is characterised here by the two-storey residential terraces of Portland Street. The rising ground in Church Street would make the office block appear even more overbearing in views from the east. The design is totally unsympathetic. The fenestration being particularly stark and dominant. The setting of the Grade II listed Drill Hall directly opposite would be severely comprised as well as no.s 20, 21 and 23 Church Street which are also listed
- 7.20. **Ecology: Initial Comment - Objection**  
In the light of the findings of the Preliminary Ecological Appraisal and the proposals to modify the wall to the eastern boundary, further bat surveys are required before planning permission can be granted in order to establish whether there are bats on site. These surveys are seasonally dependent.
- 7.21. In summary, further information is required to assess the potential impacts of the proposed development on bats and to inform appropriate mitigation, compensation and enhancement. This information is required before planning permission can be granted. The loss of Urban Commons LBAP habitat should be compensated through the provision of a biodiverse green roof.
- 7.22. **Ecology: Second Comment - No objection**  
No evidence of roosting bats was found and there was little/no foraging or commuting activity across the site. Works can therefore proceed without a

licence, but as the wall retains roosting potential, a precautionary approach to works, as recommended in the bat report, is considered appropriate.

- 7.23. A scheme of ecological measures should be secured by condition.
- 7.24. **Historic England:** No comment  
On the basis of the information available to date, we do not wish to offer any comments. Recommend seeking the views of your specialist conservation and archaeological advisers, as relevant.
- 7.25. **Scotia Gas Networks:** Comment  
On the mains record you may see the low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.
- 7.26. **SSE Telecoms:** Comment  
Locations of SSE Telecoms equipment has been provided. Safe digging practices should be followed.
- 7.27. **Southern Water:** Comment  
Locations of existing public combined sewer and water distribution main assets within the development site have been provided. Conditions requested to secure details of means of foul sewerage prior to commencement.
- 7.28. **Sussex Police:** Comment  
Secured by Design and best practices have been advised in order to reduce the likelihood of crime.

## 8. MATERIAL CONSIDERATIONS

- 8.1. 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
- 8.2. 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).
- 8.3. 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.

## 9. 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
CP18	Healthy city

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites
SR4	Regional shopping centre
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

#### 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 key CPP2 policies considered in determining this application is set out below where applicable.

DM19	Maximising Development
DM20	Protection of Amenity

DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM34	Transport
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted Sites, Hazardous Substances and Land Stability
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage
DM45	Community Energy
DM46	Heating and Cooling Network Infrastructure
H1	Housing Sites and Mixed Use Sites

Supplementary Planning Documents:

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

## 10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of developing the site for office, the impact on the character and appearance of the locality, conservation area (CA) and nearby listed buildings, the impact on neighbouring amenity, impact in terms of sustainable transport, sustainability and biodiversity.

**Principle of Development:**

- 10.2. As set out above, the site has a varied planning history with two extant permissions (89/0749 as amended by 93/1046/FP and BH2011/02401/FP, as amended by BH2016/02226) for mixed use developments comprising office and retail in the former application and residential, retail and office in the latter. Both permissions have been partially commenced by way of digging trenches and laying foundations and therefore remain extant. The principle of development of the site is therefore established and, furthermore, the site is part of a long-term allocation for development, as set out below.
- 10.3. The application site is located on the corner of Portland Street and Church Street within Central Brighton, an area designated as a Special Development Area with the Brighton & Hove City Plan Part One (CPP1) policy SA2. Policy SA2 seeks to ensure its long term success and viability through ongoing improvements to the attractiveness of the physical environment and public realm; ensuring that historic buildings are maintained and enhanced; and by requiring new

development to support and maintain the vibrant mix of cultural activities, business, retail, leisure and tourism uses.

- 10.4. Policy SA2 also seeks to promote new business floorspace and protect existing office space within the centre whilst promoting the refurbishment and upgrading of existing office space.
- 10.5. Similarly, CPP1 Policy CP3 (Employment Land) supports proposals for the upgrade and refurbishment of existing employment floorspace in order to contribute to the shortfall of office employment floorspace within the city; the city has experienced low vacancy rates, low stock and low delivery rates in recent years.
- 10.6. The site is within the North Laine Conservation Area, the Regional Shopping Centre prime frontage and the Central Brighton Area and is part of a long-term allocation under saved Brighton & Hove Local Plan 2005 (BHLP) Policy EM9: Mixed Uses and Key Mixed Use Sites which supports housing and residential uses, with nine dwellings having already been delivered on Portland Street.
- 10.7. The site has also been allocated in the Proposed Submission City Plan Part 2 (CPP2) under Policy H1: Housing Sites and Mixed-Use Sites (which can be given significant weight). This supports an indicative minimum of 630 sqm of office space and a minimum of 10 units of residential accommodation, reflecting the extant planning permission.
- 10.8. The proposed development would provide 3560sqm (gross internal) of office floorspace, but no residential floorspace. However, as reflected in the response from Planning Policy Officers, while there is an acute need for housing in the city, the ten units allocated on this site would make only a minor contribution, and the provision of much-needed office accommodation must be given significant weight, as set out below.
- 10.9. Background evidence supporting the CPP1 (Employment Land Study 2012) indicates a shortfall of between 16,240 to 21,240sqm of office floorspace over the Plan period. More recent monitoring of the office supply trajectory (Housing and Employment Land supply Assessment 2017) suggests the overall potential supply of employment floorspace has reduced.
- 10.10. In addition to issues with the supply of office space, there are indications that demand is strong, particularly for 'Grade A' office accommodation currently proposed. Commercial monitoring of market demand for office floorspace in Q1 2020 (South East Office Focus, Stiles Harold Williams), albeit prior to the Covid-19 pandemic, indicated strong business demand for employment floorspace with low vacancy rate and low stock and delivery rates of office and light industrial floorspace in the city over recent years.
- 10.11. The Design and Access Statement indicates previous new-build offices brought forward by the applicant at City View (2014) and the Brinell Building (2019) and highlights the 'severe lack of Grade A office accommodation in the city'.

- 10.12. The Planning and Heritage Statement submitted by the applicant indicates that the c.900sqm Grade A floorplates would be flexible to allow for the expansion of smaller local businesses or the relocation of regional tenants, and has the potential to accommodate 350 full time employees. This accords with Policy CP2 of CPP1 which seeks a range of office and flexible workspaces including larger footplate office stock and affordable business floorspace suitable for small business and the creative, digital and information technology industries.
- 10.13. The proposal exceeds the indicative requirement for office floorspace set out in the emerging allocation in the Proposed Submission City Plan Part 2, which is welcomed given the strong demand, and lack of supply, as set out above,
- 10.14. Further, while no housing would be provided the benefits of allowing an office-only scheme on the site are considered to be substantial.
- 10.15. The proposal would result in the delivery of 2,807sqm of lettable Grade A office floorspace on a central Brighton site that has remained vacant for 25 years, which would assist in the wider regeneration of the area, in accordance with extant BHL Policy EM9 and policies SA2 Central Brighton and CP2 and of the CPP1. As set out above, there has been a lower rate of delivery of office space than anticipated over the plan period thus far and the development would assist in addressing this shortfall. The nature of the office floorspace proposed would address the market demand for 'move-on' accommodation for growing businesses which would help to ensure that the supply of new office space does not become constrained, helping to support the aims for economic growth in the Greater Brighton City Region.
- 10.16. The applicant has worked positively with the Council since pre-application stage and has made a number of amendments in order to achieve a high quality contemporary design which would improve the aesthetic of the site and is supported by both Urban Design and Heritage Officers, as set out in detail below. The scheme is also supported by the Planning Policy and Economic Development teams.
- 10.17. On this basis, is considered that the supply of much needed office space would provide significant planning benefits, and would outweigh the lack of the small amount of housing the allocation in Policy H1 of CPP2 required, allowing an exception to the requirements for the site allocation. The provision of an office-only development is therefore supported in principle on this site, subject to the detailed assessment as set out below.

**Design, Appearance and Heritage:**

- 10.18. Policy CP12 of CPP1 on urban design states that development should comply with certain criteria. The keys points are set out below:
- High quality design
  - Create a sense of place
  - Conserve and enhance the city's built archaeological heritage and settings
  - Achieve excellence in sustainable building design and construction



- 10.19. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 10.20. Saved Policy HE6 of the BHLP, as updated by emerging CPP2 Policy DM26 (which can be given significant weight) advises that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show. Policy HE3 of the BHLP and emerging Policy DM26 of CPP2 (which can be given significant weight) states that development will not be permitted where it would have an adverse impact on the setting of a listed building.
- 10.21. The main areas of concern relate to the impact on the surrounding conservation area and the Grade II listed Former Drill Hall to the north.
- 10.22. The site is located on the corner of Church Street and Portland Street and fronts onto both streets to the north and east. The site is bounded to the west by a tall retaining wall which forms the shared boundary with the properties fronting onto Windsor Street, which are set significantly higher than the application site. The site is bounded to the south by a terrace of houses (20-28 Portland Street) and a commercial carpark.
- 10.23. The site is in a central area of the city and falls within the North Laine Conservation Area which is characterised mainly by low-rise high-density terraces laid out on a grid with strong straight building lines. Whilst there are a number of larger buildings, such as the Drill Hall, the North Laine's buildings are predominantly two to three storeys in height.
- 10.24. Portland Street to the east comprises terraces of brick, flint and stucco finishes to 19th century and 1980s two storey dwellings with attic dormer windows and ridged roofs. To the south of the site is a row of modern houses built in the early 2000s in a traditional style using flint and brick which are two storeys in height with pitched roofs and attic dormers. The buildings on either side on the Church Street frontage are 19th century buildings, with hipped and ridged roofs, comprising ground floor shops. Those to the east have first floors and attic accommodation. Windsor Street comprises two/three storey Victorian/19th century properties with a group of commercial buildings to the south.
- 10.25. The design of the scheme has evolved positively from the pre-application proposals and advice provided by officers has been incorporated into the current scheme. The overall design concept has been shaped around recommendations from both Heritage and Urban Design officers in order to reflect the positive features of the adjacent Drill Hall whilst paying respect to the surrounding CA, as set out in detail below.
- 10.26. The proposed building would cover the majority of the site, leaving a strip of land to the rear (east) of the building open to provide an external amenity area for staff and to create a physical break with the properties on Windsor Street beyond. The building would be four storeys in height with a projecting plant room

and terrace at roof level. Since the original pre-application stage, a fifth storey has been omitted from the proposal and the overall height is now considered appropriate with regards to the conservation area and adjacent Drill Hall.

- 10.27. The main entrance would front onto Church Street which would provide access to the building via a spacious reception area with flexible exhibition space which would clearly distinguish this element of the of the building which is a strong attribute to the building's design. The staff entrance would be located to the rear via the amenity space which would provide a spacious and welcoming entrance for staff.
- 10.28. The Church Street elevation would reflect that of the adjacent Drill Hall in terms of scale and form, with a mansard roof with projecting dormers to the north and east elevations and with eave heights to match that of the listed building, as recommended at pre-application stage by the Urban Design Officer. The use of the Drill Hall as a reference point generates a positive relationship between the two buildings and contributes to the setting of the building and is considered to improve local views through the conservation area. The Church Street elevational detailing would also effectively reflect the rhythm of the Drill Hall with the use of an exposed metal glazed wall system combined with brick masonry and cladding.
- 10.29. The Portland Street elevation is of lesser scale and is set back at second and third floor level to address the junction between the building and the adjacent two storey terrace to the south. This elevation proposes a strong vertical emphasis through the use of bays which effectively mimics the rhythm and eaves line of the adjacent terrace. Following comments from officers, further amendments have been made to this elevation by way of amending the material finish to a lightweight cladding to better reflect the adjacent roof form which is considered appropriate.
- 10.30. Concerns have been raised by officers throughout the consideration of the application with regards to the stand-off distance of the eastern elevation and properties fronting onto Windsor Street with regards to both design and neighbouring amenity, as set out below in further detail. In response, the applicant has increased the set back of the central element of the building above first floor level and has introduced green walls to this element to soften the elevations. The latest proposals are considered acceptable in terms of design.
- 10.31. In terms of materiality, the proposed development has progressed positively in response to feedback from officers. Initial feedback raised concerns that the brick tone proposed was too uniform and similar to the bronze metal cladding which lacked vibrancy and articulation. Further details and elevational studies were provided which confirm the variance between the materials and mathematical tile accent panels are now proposed at ground floor level which is considered to address concerns raised.
- 10.32. The Urban Design Officer has worked closely with the applicant to achieve a high-quality scheme within this prominent site set within a sensitive location. The Urban Design Officer has acknowledged the applicant's willingness to work

collaboratively and adaptively to address concerns and recommendations raised at the pre-application stage.

- 10.33. Heritage Officers have confirmed that a contemporary design approach is considered to be appropriate given that this is single large office building and confirm that the scale and height of the development are considered to be acceptable and suitably reflect the historic context of the different scales and statuses of Church Street and Portland Street. Heritage Officers also note that the footprint would be uncharacteristic of the historic fine urban grain, however it is acknowledged that this has been established in principle by previous approvals.
- 10.34. Case law has held that the desirability of preserving the character or appearance of a conservation area and/or the desirability of preserving a listed building or its setting must be given "considerable importance and weight.
- 10.35. It must also be noted that Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.36. For the reasons set out above, it is considered that the proposal would not result in significant harm to the setting of adjacent listed buildings nor the surrounding North Laine Conservation Area.
- 10.37. In summary, the proposal presents a thorough contextual analysis of the site and surrounding area with a clear site strategy and development vision with regard to townscape, heritage assets and visual character. The architectural form, elevational treatment and the use of traditional vernacular expressed in a contemporary fashion is considered to be high quality and in accordance with development plan policies. As a result, it is considered that the proposed building can be accommodated comfortably within this context and would pay respect to neighbouring developments and heritage assets whilst developing a site that has had a negative effect on the conservation area for several decades. Overall, the development and would provide a high-quality building within a sensitive area, in accordance with City Plan Part One Policy CP12.

**Impact on Amenity:**

- 10.38. Policy QD27 of the BHLPP and emerging Policy DM20 of CPP2 (which can be given significant weight) state that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This can include a loss of privacy, a loss of natural light, a loss of outlook or the creation of a sense of enclosure. In addition, Policy SU10 and emerging Policy DM40 of CPP2 (which can be given significant weight) seeks to ensure that proposed developments do not create undue levels of noise and disturbance.
- 10.39. The proposed building is of relatively significant scale and is located on a plot which has been vacant for many years, within close proximity to residential

dwellings of a domestic scale and therefore the development would have the potential for significant impact on neighbouring amenity. It must be noted, however that the existing site is unusual in that it is within a high-density area and is vacant and therefore any development would likely result in an impact on the outlook and light levels of adjacent properties. Additionally, the site is in a central location, where there is a prevailing character of larger buildings set alongside smaller dwellings. Furthermore, the site is allocated for redevelopment where a level of impact is to be expected, and the site includes two extant permissions for major developments, as set out below.

- 10.40. Application 89/0749 (as amended by 93/1046/FP) granted permission for the erection of a five-storey mixed use office/retail building which would cover the majority of the site with a footprint similar to that of the proposed building.
- 10.41. Application BH2011/02401/FP (as amended by BH2016/02226) allowed a three/four storey mixed use retail/office/residential development, with the tallest commercial elements fronting onto Church Street and lower residential elements fronting onto Portland Street with an open central courtyard.
- 10.42. Both permissions are extant so can, in theory at least, be built out. The potential impacts of these developments must therefore be given some weight in determining the present application and considering its impacts on neighbouring residents.
- 10.43. The closest residential units to the site are:
- 46 Windsor Street - three-storey end of terrace building to the west of the site with public house at lower levels and flat above.
  - 45 Windsor Street - three storey mid-terrace dwelling to the west of the site.
  - 44 Windsor Street - three storey mid dwelling to the west of the site.
  - 43 Windsor Street - three storey dwelling to the west of the site.
  - 1-12 Raglan Court - three storey block of flats to the east of the site.
  - Nos. 10 to 12 Portland Street - three terraced dwellings to the south-west of the site.
  - Nos. 26-28 Portland Street - three terraced dwellings adjoining the site to the south.
  - No. 24-26 Church Street - three storey mixed use building containing four flats.
  - Nos. 1-10 Windsor Street - terrace of three storey dwellings to the west of Windsor Street.
  - Nos. 32 & 32A Church Street - three storey end of terrace mixed use building with flat in upper levels.
- 10.44. The applicant has submitted a Daylight and Sunlight Report which has assessed the impact on the properties set out above and has been reviewed by the BRE. The results of the report indicate that ten of the properties assessed would meet the BRE guidelines. There would be a loss of daylight/sunlight to the remaining properties beyond BRE guidelines as a result of the proposed development.

- 10.45. The BRE have concluded that the general level of impact on some local residential properties, when compared against the existing situation, would be significant. For 43-46 Windsor Street, Raglan Court and 24-26 Church Street the impact would be considered significant; for 10 and 28 Portland Street moderate and for 11 and 26 Portland Street and 8 Windsor Street minor.
- 10.46. The BRE do, however, acknowledge that the guidelines are intended to be used flexibly and the standard methodology may not always be appropriate. Furthermore, the BRE accept that as the site is currently cleared, there are no obstructions to daylight and sunlight. The existing scenario is not, therefore, particularly representative of typical levels of obstruction experienced within other buildings in the vicinity of the site. The majority of the BRE tests are calculated by comparing the existing daylight and sunlight levels with the proposed levels as a result of the development. As the site is currently vacant, any large-scale development on the site would result in a disproportionate percentage change which would likely result in a breach of the BRE guidelines.
- 10.47. Nevertheless, it is noted that the reports do conclude that the level of impact to a number of dwellings, particularly those to the east of Windsor Street. Officers raised concerns over the relationship of the proposed development with neighbouring dwellings, particularly those to the east of Windsor Street, throughout the assessment of the application. In order to examine this point further, additional assessment was requested from the applicant in order to compare the current proposal with the daylight/sunlight levels in existing dwellings on other streets within the vicinity. The applicant provided an Addendum Daylight/Sunlight Report which provides an assessment of the existing scenarios within a number of other streets within the city, including Jew Street, Bond Street, Pavilion Mews, Tichborne Street, Robert Street, Marlborough Place and Foundry Street. The report concludes that the relationship between the buildings on these streets and the equivalent obstruction angles are broadly comparable to, and in some cases worse than that of the proposed development and neighbouring dwellings on Windsor Street and Portland Street.
- 10.48. The Addendum Daylight/Sunlight Report also provided information comparing the current proposal with the daylight/sunlight loss which would be experienced if the extant permissions came forward (ref. 89/0749 and BH2011/02401/FP). Although no daylight/sunlight figures have been provided, comparative sections through the site that illustrate all three permissions have been submitted. The sections reveal that, although the current proposal is taller than both previous permissions, the stand-off distance is increased by between 3 and 6 metres in some instances, and as the upper levels are hipped or stepped away from neighbouring dwellings, the level of harm is comparable and in some instances improved over earlier permissions.
- 10.49. In order to further mitigate the impact of the building on the dwellings to the east of Windsor Street, the applicant has submitted an amended design with an increased set-back of 2m to the first, second and third floor levels to the central section of the building and green walls have been added. This has resulted in a

loss of 400sqm of office floorspace overall and has been achieved by reconfiguring the escape stair and building core on the upper levels.

- 10.50. The development is therefore considered acceptable in terms of its daylight/sunlight impacts, particularly when considered in the context of existing dwellings in the vicinity, and the impact of the extant permissions on the site.
- 10.51. With regards to overlooking, the proposed development would include substantial levels of glazing to all elevations which forms a key element of the contemporary design and is generally characteristic of office blocks. Fenestration to the western elevation is generally limited in comparison to other elevations and the windows that are proposed are obscure glazed and set away from adjacent dwellings. This is considered appropriate and would be secured by condition. The eastern elevation would include glazing throughout, in addition to a terrace at second floor level. The proposed terrace would be set above neighbouring properties to the east and therefore the general outlook would be above these properties rather than into windows. There would be a significant introduction of overlooking in comparison to the existing scenario, however it must be noted that this would be front-to-front where a level of overlooking is expected, and the resultant relationship is similar to that of both extant permissions so is considered acceptable.
- 10.52. The proposal would include a plant room which has the potential to generate noise impact on the neighbouring residential properties. In order to address these concerns, maximum noise levels emitted from the plant would be secured by condition. Furthermore, the roof terraces have the potential to accommodate groups of people which may result in noise and disturbance to neighbouring residential properties however a level of noise is to be expected with a central location such as this. In order to mitigate potential noise impact, it is recommended that hours of use of the terraces is secured by condition
- 10.53. Overall, in regard to overshadowing and daylight, loss of privacy and the potential for disturbance, it is acknowledged that the proposed development would have an impact on amenity. Additional overshadowing and overlooking would be caused. The light and views currently available through the site would be lost. It is however considered that the result scenario and relationships would be in keeping with the pattern of development in the immediate area, and the relationships between buildings which would result are acceptable given the central location of the site where a degree of enclosure and overlooking caused by larger buildings is expected. Taking into account all factors, including the benefits which the proposed development would deliver, including the provision of grade A office space in a sustainable location, the proposed development is considered acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.

**Sustainable Transport:**

- 10.54. The existing site is cleared and therefore does not include any existing vehicular or pedestrian access; however there is a historical dropped curb onto Portland Street which is not currently in use. The new primary entrance to the site would be on the corner of Portland Street and Church Street. There would also be a

pedestrian/cycle entrance for staff to the east of the building on Church Street in addition to a fire exist on Portland Street which is considered acceptable.

- 10.55. Initial concerns were raised by the transport team in relation to the width of the footway onto Portland Street due to the narrow pavement and potential highway safety concerns. The applicant has now proposed additional highways works in order to widen the footway which is considered acceptable and would be secured via the legal agreement.
- 10.56. Following amendments, the proposed cycle parking would include a total of 38 long stay spaces and 8 short stay spaces. Amendments were also made to the to the type, quality and design of the proposed cycle parking, in addition to the provision of extra shower/changing facilities for staff. This element of the proposal is therefore acceptable and in accordance with CPP1 Policy CP9 and SPD14 guidance. Implementation of the cycle parking shall be secured by condition.
- 10.57. The development is proposed to be 'car free' with no parking on site which is in line with SPD14 guidance. Given the site's accessible, city centre location and the existing on-street parking restrictions this is considered appropriate. Following revisions, two off-site disabled parking bays are proposed on Spring Gardens which is considered appropriate. The disabled bays would result in the loss of one pay and display bay and one motorcycle bay, which is to be relocated to Church Street. This quantum and location/re-location of the parking bays is considered appropriate. Final design details shall be secured via the s278.
- 10.58. In terms of deliveries and servicing, the applicant has confirmed that taxis would be accessed from Queens Road to the West of the site and other deliveries would take place from the kerbside if both Church and Portland Street with no designated delivery bay. The transport team have confirmed that that there would be a peak of 4 deliveries in an hour including 3 large goods vehicles and 1 other goods vehicle. As the proposed development would generate what Transport Officers describe as minimal deliveries throughout the day, with the majority of deliveries being LGVs which typically have a shorter dwell times, the proposed deliveries and servicing is considered appropriate. Due to the low levels of deliveries, it is not considered that a Delivery and Servicing Management Plan is required in this instance.
- 10.59. With regards to vehicle movements, the proposed development would result in 39 two-way vehicle trips and 226 two-way pedestrian trips per day. This is not considered significant and therefore no objections are raised in this regard. A five year Travel Plan to promote sustainable transport to and from the site, would be secured via the s106 agreement.
- 10.60. The proposal would include a number of highways works as set out below:
- Widening of footway along the Church Street frontage
  - Relocating 1 x motorcycle parking bay (currently on Church St) to accommodate the above
  - Introducing 2 x on-street blue badge bays on Spring Gardens
  - Associated build-out on Church Street to include 8 no. visitor cycle parking

- Relocating 1 x motorcycle parking bay (currently on Spring Gardens) to accommodate the above
- Widening the footway along the Portland Street frontage
- Removing a redundant vehicle crossover on Portland Street
- Repaving/ surfacing of the footways immediately abutting the site
- Removal of street furniture including existing lighting column at Church Street/ Portland Street junction
- Dropped kerbs and tactile paving Church Street/ Portland Street junction
- Highway structure checks will need to be secured.

10.61. Final design details in addition to a Road Safety Audit shall be secured via condition/obligation.

10.62. Overall, subject to the conditions and s106 recommendations set out above, which include measures to address the deficiencies in the applications submission, the proposed development is considered to be acceptable in regard to sustainable transport impacts.

**Ecology:**

10.63. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Policy CP10 of the City Plan Part 1 sets out criteria for development to conserve, restore and enhance biodiversity and improve access to it. The site comprises buildings and hard standing within an urban setting. There are no trees or vegetation on site, although there are two trees close to the site.

10.64. The County Ecologist has confirmed that as the site is an abandoned/disused demolition site, containing a mix of concrete and brick hard standing, gravelled areas, exposed chalk substrate and rubble piles, it currently provides a variety of opportunities for plant communities to establish in addition to the potential for invertebrates and bats. The loss of the habitat should therefore be compensated via scheme of ecological enhancement, which shall be secured by condition.

10.65. The preliminary ecological appraisal (PEA) originally submitted with the application indicated that the western boundary wall offers the potential for roosting bats and recommended that further surveys should be carried out in order to examine evidence of bats on site. The County Ecologist reviewed the PEA and confirmed that further bat surveys were required prior to determination of the application.

10.66. A survey was carried out which revealed no evidence of roosting bats with little/no foraging or commuting activity across the site. The County Ecologist has confirmed that works can therefore proceed without a licence, but as the wall retains roosting potential, a precautionary approach to works, as recommended in the bat report, is considered appropriate.

10.67. In summary, the County Ecologist raises no objections and provided the recommended mitigation and enhancement measures are implemented and



considers that the proposed development can be supported from an ecological perspective.

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

**Sustainability and Air Quality:**

10.69. City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies a range of criteria around sustainable design features. 'Major' non- residential developments are expected to achieve BREEAM 'Excellent'.

10.70. In order to achieve these targets, the following is proposed:

- Well insulated building fabric
- Low energy heating, ventilation and cooling system - incorporating a heat pump for heating and cooling
- Efficient lighting throughout/design to maximise natural light and reduce energy used for lighting
- Solar photovoltaics
- Rainwater harvesting and attenuation
- Low water use WCs, taps and fittings
- Lifecycle environmental analysis during specification of materials and products

10.71. The proposed reduction in carbon emissions would meet the requirements of Brighton & Hove Policy CP8.

10.72. In terms of air quality, the site is located within an Air Quality Management Area (AQMA). In accordance with Policy DA4 of the City Plan Part One, BHCC seeks to ensure new development proposals take into account impact on local air quality and that improvements and/ or mitigation is sought wherever possible. Regard should be had to Policy SU9 of the Saved Local Plan and SA2 of the City Plan Part One and an air quality assessment would be required to accompany any planning application. The development should ensure that improvements and/ or mitigation is sought wherever possible.

10.73. The development is supported in general by the Air Quality officer and the prospect of a car free development with the promotion of sustainable means to travel is welcomed.

**Contamination:**

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

**11. CONCLUSION**

11.1. The proposed development would provide 2,807sqm of Grade A office space, of which there is an identified shortfall, within a central sustainable location where

regeneration is encouraged. The proposed development would be significant; however, it is considered that a larger building can be accommodated on the site whilst respecting the North Laine Conservation area and adjacent listing buildings.

- 11.2. The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street scene whilst bringing forward a site which has been vacant for a number of years.
- 11.3. The proposed development is acceptable in transport, sustainability and ecological terms subject to conditions / s106 requirements recommended to secure the necessary measures.
- 11.4. The proposed new building would have an impact upon neighbouring amenity, however the existing situation with an empty site is uncharacteristic of a central location such as this, and the resultant scenario would be in keeping with the pattern of development. Overall the harm which would be caused does not warrant the refusal of planning permission when weighed against the benefits of the proposal.
- 11.5. Overall, it is considered that the scheme would deliver substantial benefits including; a significant delivery of high quality office space which would meet modern requirements, an active vibrant frontage which would regenerate the street, and a well-designed modern building which would complement the nearby heritage assets. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

## **12. COMMUNITY INFRASTRUCTURE LEVY**

- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. As set out in the BHCC CIL Charging Schedule, Office floorspace is not CIL liable.

## **13. EQUALITIES**

Disabled parking spaces will be provided, and the proposed development would be wheelchair accessible.

## **14. DEVELOPER CONTRIBUTIONS**

- 14.1. The contributions required would be allocated and spent as follows:
  - Submission of an Employment & Training Strategy
  -

- A financial contribution of £36,250 towards the Local Employment Scheme
- 
- Highways Works to include:
  - Widening of footway along the Church Street frontage
  - Relocating 1 x motorcycle parking bay (currently on Church St) to accommodate the above
  - Introducing 2 x on-street blue badge bays on Spring Gardens
  - Associated build-out on Church Street to include 8 no. visitor cycle parking
  - Relocating 1 x motorcycle parking bay (currently on Spring Gardens) to accommodate the above
  - Widening the footway along the Portland Street frontage
  - Removing a redundant vehicle crossover on Portland Street
  - Repaving/ surfacing of the footways immediately abutting the site
  - Removal of street furniture including existing lighting column at Church Street/ Portland Street junction
  - Dropped kerbs and tactile paving Church Street/ Portland Street junction
  - Highway structure checks (given proximity to the basement).

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

1. The proposed development fails to deliver a skills and employment strategy and in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to deliver a contribution skills and employment contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address





PLANNING COMMITTEE LIST  
COUNCILLOR REPRESENTATION

**Cllr. Lizzie Deane**  
**BH2020/02801 – 27-31 Church Street**

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

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

I would request that it be turned down under Delegated Powers, and if offices are minded to grant, that it comes before Planning Committee for decision by elected members.



# **ITEM C**

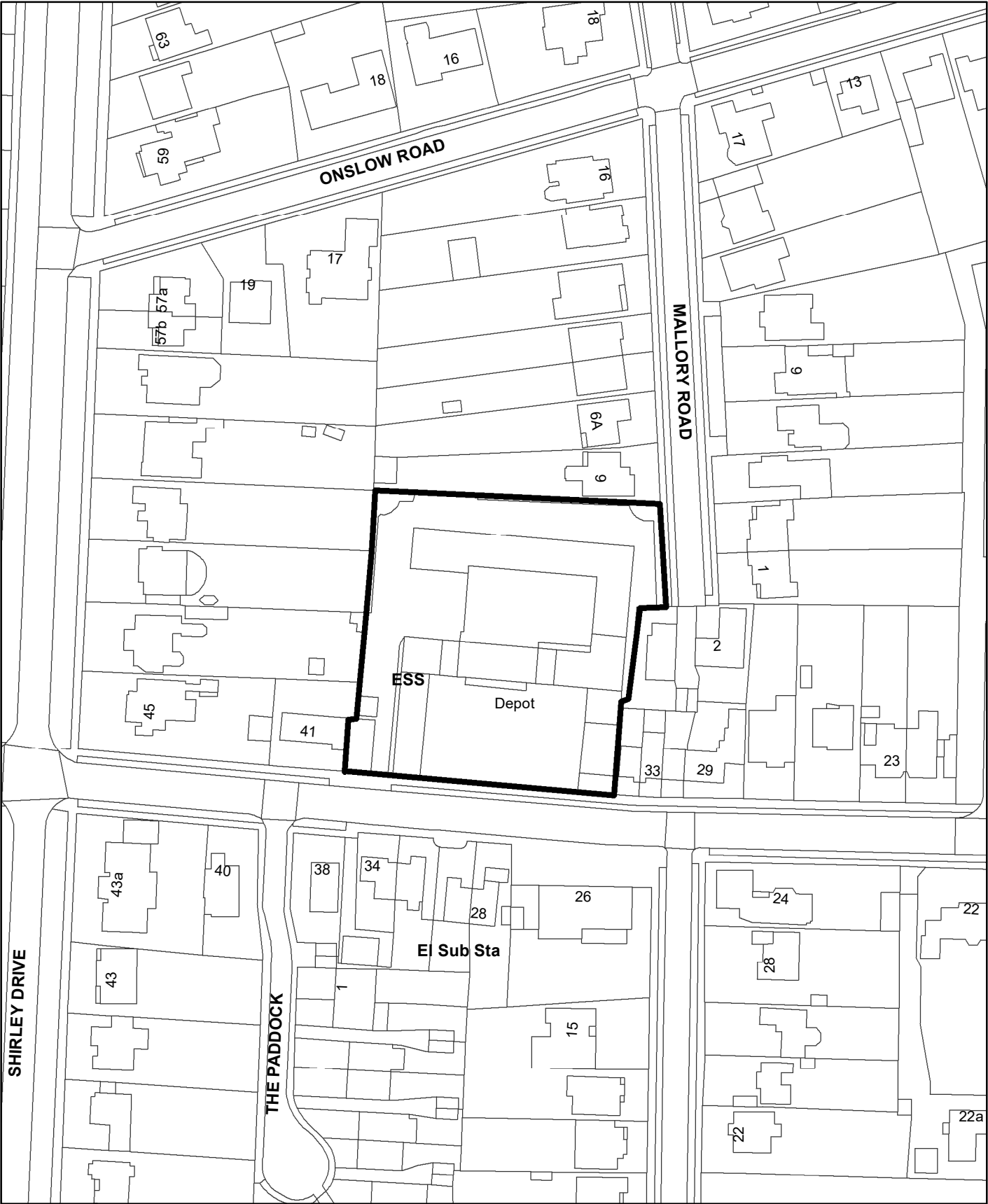
**Former Dairy, 35 - 39 The Droveaway  
BH2020/00931  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**





# BH2020 00931 - Former Dairy, 35 - 39 The Droveway



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2020/00931</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Former Dairy 35 - 39 The Drove way Hove BN3 6LF</b>		
<b><u>Proposal:</u></b>	<b>Change of use from former Dairy Crest depot (B8) to mixed-use development comprised of 19no. dwellings (Use Class C3) &amp; commercial space (Use Class E), including partial demolition of the existing &amp; erection of a new northern wing; erection of a new central wing to courtyard; onsite car &amp; cycle parking; &amp; associated works (Amended Plans).</b>		
<b><u>Officer:</u></b>	Wayne Nee, tel: 292132	<b><u>Valid Date:</u></b>	15.04.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	15.07.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	07.07.2021
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Superstone Homes Ltd C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before 7 October 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of this report:

### **S106 Heads of Terms**

#### Affordable Housing:

- Secure on-site affordable housing of 3 units (2x affordable rent and 1x shared ownership), or as a commuted sum in lieu of onsite provision
- A Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution

#### Artistic Component

- Provision to the value of £19,470 towards an Artistic component to be provided on 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.
- £11,100 developer contribution toward the Council's Local Employment Scheme

Highway Works

The following highway works are required to be secured via a section 278 (/38) agreement:

- New vehicle crossover on Mallory Road
- Reinstatement of existing eastern crossover on The Drove way
- Reinstatement of existing crossover on western garage block as a grass verge
- Provision of two on-street loading bays.

- 1.2. A detailed scheme of highway works and associated TRO changes to be agreed and the TRO confirmed before prior to commencement of development

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	TA/1215/08		26 March 2020
Proposed Drawing	TA/1215/34		15 April 2020
Location Plan	TA/1215/09		26 March 2020
Proposed Drawing	TA/1215/10	C	21 January 2021
Proposed Drawing	TA/1215/11	C	21 January 2021
Proposed Drawing	TA/1215/12	C	21 January 2021
Proposed Drawing	TA/1215/13	C	21 January 2021
Proposed Drawing	TA/1215/17	C	21 January 2021
Proposed Drawing	TA/1215/18	C	21 January 2021
Proposed Drawing	TA/1215/19	B	21 January 2021
Proposed Drawing	TA/1215/20	C	21 January 2021
Proposed Drawing	TA/1215/21	C	21 January 2021
Proposed Drawing	TA/1215/22	C	21 January 2021
Proposed Drawing	TA/1215/23	C	21 January 2021
Proposed Drawing	TA/1215/24	B	21 January 2021
Proposed Drawing	TA/1215/26	C	21 January 2021
Proposed Drawing	TA/1215/27	B	21 January 2021
Proposed Drawing	TA/1215/28	B	21 January 2021
Proposed Drawing	TA/1215/29	B	21 January 2021
Proposed Drawing	TA/1215/30		21 January 2021
Proposed Drawing	TA/1215/31	B	21 January 2021
Proposed Drawing	TA/1215/32	B	21 January 2021
Proposed Drawing	TA/1215/33	B	21 January 2021
Proposed Drawing	TA/1215/34	B	21 January 2021
Proposed Drawing	TA/1215/14	D	30 March 2021
Proposed Drawing	TA/1215/15	E	30 March 2021
Proposed Drawing	TA/1215/16	D	30 March 2021
Proposed Drawing	TA/1215/25	D	30 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 commercial uses hereby approved shall be retained as Class E use and shall not be used for any other purpose.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No activities associated with the non-residential uses hereby approved, including servicing and deliveries, shall take place outside the hours of 07.00 to 23.00.  
**Reason:** To protect the amenity of neighbouring occupiers and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
5. Notwithstanding the plans hereby permitted, no development above ground floor slab level of any part of the development shall take place until details of disabled parking facilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.
6. Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at 1-metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
7. Prior to first occupation of the development hereby approved, full details of a proposed external lighting scheme shall be submitted for approval by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.  
**Reason:** To ensure the satisfactory preservation of this listed building, to protect neighbouring amenity, and to comply with policies QD25, QD27 and HE10 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
8. No development shall take place until a separate a highway-focussed Highway Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall at least include:

- a) 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)
- b) 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
- c) details of hours of construction including all associated vehicular movements and adequate on-site parking provision for all construction staff vehicles
- d) a plan showing construction traffic routes and haul routes
- e) details of any site entrances and their management, construction compound and offices
- f) details of any oversailing of the highway construction, falsework, formwork and scaffolding
- g) details of the use of any cranes, lifts, escalators and lifting equipment's.
- h) 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.

9. 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, including gated access, 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 and QD27 of the Brighton & Hove Local Plan, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

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

11. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with

the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants, to include food-bearing 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.

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

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

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

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

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

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials

- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally, including rainwater goods.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until a sample panel of flintwork has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel prior to the development hereby permitted being occupied.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

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

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

18. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved including arrangements for bringing bays with passive facilities into active use have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. Plus passive bays to be brought into active service in accordance with the approved arrangements.

**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.



19. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.  
**Reason:** The SUDS Management and Maintenance Plan (Nimbus Jan 2020) states that due to groundwater levels infiltration SUDS is not appropriate at this site. However this condition is required 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, and to comply with policy SU3 of the Brighton & Hove Local Plan.
20. Notwithstanding the plans hereby permitted no development shall commence on site until a Scheme of Management and Layout of the vehicle parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:
- 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.
  - Details of measure of control for vehicles entering and exiting the site.
  - The approved layout and management arrangements shall be implemented prior to the occupation of the building and thereafter be retained and maintained.
- 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 CP9 of the City Plan Part One.
21. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton and Hove City Plan Part One.
22. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.
23. Unless otherwise agreed in writing by the Local Planning Authority, 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 'Excellent' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.

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

24. Other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of one of the units which form part of the approved scheme, which shall be in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). This shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2)(accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

25. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

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

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

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

- 26.

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

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

- 27. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling, for the residential and non-residential uses hereby approved, 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.

28. Other than demolition works and works to trees the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
29. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
30. The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One
31. If during site investigation on construction any asbestos containing materials are found, which present significant risk/s to the end user/s then: a) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
32. 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.

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/infrastructure-charges](http://southernwater.co.uk/infrastructure-charges)
3. A formal application for connection to the water supply is required in order to service this development.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. With regard to the CEMP, the applicant must contact the Highway Authority ([s278@brighton-hove.gov.uk](mailto:s278@brighton-hove.gov.uk) - assigned officer phone number will be provided in e-mail response) at their earliest convenience to avoid any delay and prior to any works commencing on-site and on the public highway.
6. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.

## **2. SITE LOCATION**

- 2.1. The application relates to a vacant commercial site located to the north of The Drove way, Hove. The wider area is predominantly residential, including mostly 2 storey buildings with traditional and modern design. There is a retail store on the south side of the street opposite.
- 2.2. This site is a locally listed heritage asset comprising single storey, early 19th century out-buildings associated with a larger dairy farm, and was used as a commercial dairy depot for many years until 2016. The site comprises a series of long, low buildings with half-hipped or gabled clay tile roofs and flint walls with brick dressings. The main barn building has semi-circular arched openings providing access to the rear. The eastern and northern ranges are in reddish brown brick in Flemish Garden wall bond. There is a tall flint wall with brick coping to the front boundary.

- 2.3. The site appears to have been used for dairy throughout its history, but historic mapping shows that the actual arrangement of buildings has altered over time. The Dairy Depot use of the site continued in some form until 2016 when the site was vacated and put up for sale.
- 2.4. The main barn is the most significant element, with its long unbroken roof, but the buildings have group value; the historic, functional inter-relationship of the buildings is an important element of their significance. There is particular visual interest provided by the two semi-circular headed openings and by the uniformly long and low form of the buildings, which are executed in the local vernacular. The complex retains considerable agricultural charm and has historic interest as a reminder of the agricultural origins of the area and of The Drove way. These are an unusually intact example of a group of former farm building in the local context of Brighton & Hove, despite significant 20th century alterations for commercial dairy use. The original rural setting has long been lost but the surrounding low-rise suburban development has not overwhelmed the site and the buildings remain an attractive and distinctive feature of the street scene with the open yard at the front.

### **3. RELEVANT HISTORY**

- 3.1. BH2018/03798 Change of use from former Dairy Crest depot (B8) to a Mixed-use flexible commercial development of 1435sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court yard, onsite car parking, cycle storage and areas for storage of waste and recycling - Approved 18/09/2020
- 3.2. BH2017/04050 Change of use from former Dairy Crest depot (B8) to Mixed-use flexible commercial development of 1383sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court yard, onsite car parking, cycle storage and areas for storage of waste and recycling - Appeal Allowed 25/10/2019
- 3.3. There are a number of historic permissions for the 1940's up to the 1980's for various alterations and changes of use within the site in association with the use of the property as a dairy distribution depot.

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the redevelopment and change of use of the site to provide 19no. dwellings (Use Class C3) and 766sqm commercial space (Use Class E).
- 4.2. The proposals include the following physical works:
  - The northern wing of the buildings would be demolished and replaced with a terrace of dwellings.

- The covered courtyard, which is a modern addition, would be removed.
  - A central wing would be constructed; historic mapping indicates that there was a structure in this location in the past.
  - Restoration and alterations are proposed to the buildings which would be retained.
- 4.3. This application follows similar development approved under previous applications BH2018/03798 and BH2017/04050 (allowed on appeal) for 14no. residential dwellings and flexible commercial space.
- 4.4. Following receipt of consultation comments, the applicant submitted amendments to the scheme as follows:
- Reduction in no. of residential units from 25 to 19;
  - Provision of two additional commercial units (Class Use E)
  - The dormers to the main barn building have been removed
  - The proposed rooflights are now largely formed in short strips rather than individually spaced;
  - The courtyards would no longer be subdivided into individual private gardens;
  - Reduction of car parking in western courtyard from eight to two spaces

## 5. REPRESENTATIONS

- 5.1. **Councillors Vanessa Brown and Samer Bagaeen** object to the application.
- 5.2. **Twenty (20) letters** of representation have been received objecting to the proposed development for the following reasons:
- Overlooking between new properties
  - Additional overlooking towards 6 Mallory Road
  - Poorly designed fencing within site
  - Gardens are too small
  - Increased traffic problems and congestion
  - Increased parking pressure
  - Overdevelopment
  - New central wing is out of proportion to the existing
  - Less attractive scheme
  - Increased noise and disturbance
  - Loss of privacy and loss of light to properties on Mallory Road
  - More electric vehicle charging provision required
  - Rooflights are not in keeping with the buildings' past agricultural use
  - There should be no access from Mallory Road
  - Detrimental affect on property value
- 5.3. **One (1) letter** of representation has been received in support of the proposed development.
- 5.4. **The Regency Society** have commented on the application as follows:

- The Regency Society considers that on balance this application is a significant improvement over the one approved on appeal.
- 5.5. **One (1) further letter** of comment was received, commenting as follows:
- Could the areas in front of the dairy have double yellow lines to ensure traffic from the shop would not impede access to any of the properties near the development.

## 6. CONSULTATIONS

### External

#### 6.1. **Conservation Advisory Group: Objection**

- The current proposals would still lead to an overdevelopment of this important and prominent heritage site;
- The plans still show an excessive number of roof lights, particularly in the main barn roof facing The Drove way and in the eastern barn;
- Whilst it is appreciated that consent for a new central barn was given under BH2018/03798, the inclusion of a new central barn in this application is nevertheless regretted;
- Whilst some improvements have been made the current proposals will seriously diminish the sites's value as a locally listed heritage asset;
- Any repairs to the flint barns and walls should be conditioned to ensure the are correctly carried out.

#### 6.2. **County Ecologist: No objection**

The site currently consists of buildings and hard standing within an urban environment and is of relatively low biodiversity interest. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. There are unlikely to be any impacts on protected species. If protected species are encountered during development, work should stop, and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

- 6.3. The Planning Statement states that proposals will provide a net gain in biodiversity through the introduction of soft landscaping and residential gardens. However, no details are provided. If the Council is minded to approve the application, it is recommended that a condition for an Ecological Design Strategy is applied.

#### 6.4. **Environment Agency: No objection**

No objection to the proposed development as submitted, subject to the inclusion of the following 4 conditions, in any permission granted.

- 6.5. The previous use of the proposed development site as a dairy presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer and within a source protection zone 2 for a public water abstraction.



- 6.6. **Southern Water: No objection**  
The proposed development lies over or within a clearance distance of public water main. In order to protect water and sewer apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.
- 6.7. Initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 6.8. **Sussex Police: No objection**  
Sussex Police have no major concerns with the proposals at the location, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.
- 6.9. It is noted that the commercial elements have their own access from The Drove way and the residential properties having their own gated access.
- 6.10. Sussex Police would support the application from a crime prevention perspective subject to confirmation of details, in particular in respect of gated access, to be satisfactorily addressed.
- Internal
- 6.11. **Air Quality: No objection**  
The development will not add sufficient traffic to warrant a detailed air quality assessment. On ground of air quality there is no objection to the proposals.
- 6.12. **CityClean: No objection**  
Good provisions for bin storage, Some residents whose properties do not sit road/carpark side will need to take bins to a collection point on collection days.
- 6.13. **City Regeneration: No objection**  
City Regeneration supports this application.
- 6.14. If approved, City Regeneration requests a contribution through a S106 agreement towards the council's Local Employment Scheme in accordance with the council's Developer Contributions Technical Guidance.
- 6.15. **Flood Risk: No objection**  
No objections to this application subject to the inclusion of a condition to ensure that the principles of sustainable drainage are incorporated into this proposal.
- 6.16. **Heritage: Comment**  
Overall it is considered that the heritage benefits of bringing these locally listed heritage assets back into an appropriate mix of uses outweighs the harm resulting from the number and size of the rooflights and the courtyard tree planting and that, having regard to the significance of the site and paragraph 197 of the NPPF, the proposals would acceptably conserve the locally listed heritage assets and their setting, subject to details by condition.

- 6.17. **Housing Strategy:** Comment  
The viability assessment at this scheme has confirmed that three affordable housing units can be provide on site. This is supported by Housing in the context of national planning guidance and the outcome of the independent viability assessment.
- 6.18. **Planning Policy:** Comment
- The principle of mixed residential/employment uses on the site has already been established through the previous extant planning permission and a second mixed use application agreed by Planning Committee. The site is also proposed as a mixed use allocation for housing with B class employment and ancillary retail uses in Policy H1 of the draft CPP2.
  - The proposed 25 residential units would contribute towards the City Plan housing target of 13,200 new homes over the period 2010-2030 and would help address the current five year housing land supply shortfall.
  - The application proposes a figure of only 146 sq.m B1a office space, which is significantly lower than the current extant permission (1,383 sq.m flexible employment space), and also below the minimum indicative figure of 500 sq.m for B class uses in CPP2 Policy H1.
- 6.19. The revised housing provides a more balanced mix which is less skewed towards 3-bed units and would accord more closely with the need/demand across the city set out in CPP1 Paragraph 4.213 accompanying Policy CP19.
- 6.20. The revised mix of uses is welcomed and would provide a more substantial commercial element exceeding the indicative minimum figure in CPP2 Policy H1 and according better with the policy objectives of Policy CP3.
- 6.21. The application can now be supported subject to other detailed planning considerations.
- 6.22. **Policy (Artistic Component):** No objection / Objection / 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.
- 6.23. It is suggested that the Artistic Component element for this application is to the value of £19,470
- 6.24. **Sustainability:** Comment  
The application requires an Energy Statement for the residential units, and a BREEAM pre-assessment report for the commercial/office units in order to be able to fully assess the sustainability aspects of the development.
- 6.25. **Sustainable Transport:** Objection  
Unfortunately, the application is unsuitable for determination to assess the likely significant impacts of the proposals - as required by National Planning Policy Framework (NPPF) paragraph 111. These include concerns relating to proposed

loading bay arrangements, pedestrian access, bin collection and cycle parking design.

## **7. MATERIAL CONSIDERATIONS**

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

## **8. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM4	New business and industrial uses on unidentified sites
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

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
DM28	Locally Listed Heritage Assets
H1	Housing Sites and Mixed-Use Sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## **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, the

impact of the proposed development upon the character and importance of the locally listed heritage asset and the wider area, impacts upon neighbouring amenity, sustainable drainage, sustainability, landscaping, ecology, trees and related traffic implications.

**Planning Policy:**

- 9.2. The site was formally used as a commercial dairy depot, but since 2016 has been vacant. The last known use of the site was storage / distribution (Use Class B8).
- 9.3. The site has been the subject of two similar developments approved at appeal under BH2017/04050 (for 14 residential units and 1,383sqm flexible commercial space), and also approved under BH2018/03798 (for 14 residential units and 1,435sqm flexible commercial space). Both applications included the proposed provision of four affordable residential units.

Principle of Proposed Development:

- 9.4. The loss of the existing uses and the principle of development on this site has already been established under the extant planning permissions for mixed use residential and flexible employment space.
- 9.5. The site is allocated for a mixed-use development in Policy H1 of the emerging City Plan part 2 Proposed Submission, with a minimum indicative figure of 14 residential units and 500sqm employment uses with potential ancillary retail. At present, policies in City Plan Part 2 Proposed Submission do not carry full weight, however Policy H1 currently has significant weight. In this application, the proposed balance of residential and employment uses would need to be considered.
- 9.6. As initially submitted, the proposed development sought permission for 25 no. residential units and a Use Class B1a (now Use Class E) office building comprising 146sqm. Following submission of amendments to the scheme, the proposed development would now provide 19 no. residential units and a total of 766sqm of commercial floorspace (Use Class E).
- 9.7. Policy SS1 of City Plan Part 1 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.
- 9.8. 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. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).

- 9.9. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.10. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.11. 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).
- 9.12. The proposed development would provide 19 no. residential units that would contribute towards the City Plan housing target. The proposed amended number of residential units would exceed the indicative figure of 14 dwellings within Policy H1 which reflects the extant permissions.
- 9.13. Emerging policy DM11 New Business Floorspace in the Draft City Plan Part Two (which can be given limited weight) 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 sub-division and configuration for new uses and activities.
- 9.14. The application as originally submitted provided only 146sqm of office space which was considerably less than the extant permissions and below the indicative minimum 500sqm B Class employment uses required under the site allocation within Policy H1. The revised scheme of 766sqm of commercial floorspace (Use Class E) with three units at the front of the site is a welcomed improvement of a more substantial commercial element which would generate significant employment, and would exceed the indicative minimum figure with Policy H1.
- 9.15. 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.
- 9.16. The site is well located for a development of this type, with appropriate access to local facilities and services, and opportunities to access 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 Mix:

- 9.17. 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'.
- 9.18. 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.
- 9.19. The number of 3-bed units has been reduced from 17 to 11 as part of the amendments to the scheme. The proposal is for 7x 2-bed, 11x 3-bed units, and 1x 4-bed which is considered to be a broad mix and less skewed towards 3-bed units, according more closely with the need across the city set out in Policy CP19. The provision of larger properties would reflect the location and character of the surrounding area.

Affordable Housing:

- 9.20. 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 of 19 dwellings this would equate to 8 affordable units. The Council's Affordable Housing Brief (2014) sets out a citywide objective to achieve a tenure mix of affordable housing of 55% social or affordable rented and 45% intermediate e.g. shared ownership. For the application scheme this would equate to approximately 4 rented units and 4 for shared ownership.
- 9.21. The policy wording of CP20 advises that the target of 40% may be applied flexibly where it is considered to be justified in light of various criteria including, among others: the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model); the extent to which affordable housing would prejudice other planning objectives; and, the need to achieve a successful housing development.
- 9.22. A Financial Viability Assessment was submitted with the application in order to assess whether or not the provision of 40% on site affordable housing would be viable. Officers requested the District Valuer Service (DVS) provide an

independent review of this evidence. The review follows extensive consideration between the DVS and the applicant's Viability Consultant.

- 9.23. The DVS advised in the final review that the proposed scheme was not capable of providing a fully policy compliant scheme of 40% affordable housing, but could be viable with 3 units (16%) consisting of 2 no. affordable rent and 1 no. shared ownership (2 x2-bed houses and 1x 3-bed house) whilst retaining a reasonable developer profit.
- 9.24. This follows the sentiment of Paragraph 64 of the National Planning Policy Framework (NPPF) which states, 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership'.
- 9.25. Homes available through planning gain have traditionally been provided through Registered Provider (RP) partners, however sites with smaller numbers of homes have more recently been rejected for purchase by the RPs as not viable. The Council therefore consider alternative ways in which the affordable housing can be provided. This includes looking at council purchase of homes direct, and commuted sums in lieu of onsite provision. These options will be considered if there is no RP take up at this development.
- 9.26. Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable RSL are secured within the s106 heads of terms. A review mechanism is proposed to be included as an obligation in the legal agreement to ensure that the viability of the scheme is reappraised at a later date when actual costs and values are known and if there is any uplift in the development value, a proportion of this can be captured as a financial contribution.

**Standard of Accommodation:**

Internal Layout:

- 9.27. 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).
- 9.28. 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.
- 9.29. 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.

- 9.30. The proposed units would meet the minimum Nationally Described Space Standards (NDSS) as required by the draft CPP2 Policy DM1. The size and layout of each unit is generally considered acceptable, with all rooms having acceptable access to outlook, as well as sufficient ventilation and daylight.

Outdoor Amenity Space:

- 9.31. 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.
- 9.32. 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.
- 9.33. Most of the residential units would include front/rear gardens and/or a private courtyard, which would meet the private outdoor amenity requirements in Policy HO5, and also draft Policy DM1 which now carries significant weight.
- 9.34. In response to the Heritage concerns, the proposal was amended to remove the sub-division of the courtyard areas at the front of the site. As a result of this, three units at the front would not have any private outdoor amenity space but would access a shared courtyard. This is unfortunate, however given the improvements to the scheme overall, on balance the lack of private amenity space for these units is considered acceptable in this instance.
- 9.35. More ground planting may offer scope for privacy and generate identifiable areas that each dwelling may assume ownership of, without the requirement of fences/boundary treatments, as well as generate communal spaces for socialisation and play. Further details will be required by condition.

Noise:

- 9.36. 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.
- 9.37. Future residents may experience some noise and disturbance from the commercial uses, however the site layout provides the commercial uses in one corner of the site, and so it is considered that the impact here would be minimised for residents of most units. The residential properties that would face south towards the commercial units have dual aspect with garden spaces on the north side.
- 9.38. Overall, the development is considered to provide an acceptable standard of accommodation.

**Design and Appearance:**

- 9.39. 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.
- 9.40. 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.
- 9.41. 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.
- 9.42. The proposals are to convert the existing historic buildings within the front of the site, and for extensions and new build development at the front and rear of the site. The residential units would face into three separate courtyard spaces. The proposed layout is similar to that in the previously approved applications, a factor which has to be given weight in consideration of the scheme.

Impact on Heritage Assets:

- 9.43. The site is included on the Council's Local List of Heritage Assets. Draft Policy DM28 of City Plan Part 2 Proposed Submission states that the council will strongly encourage the retention of locally listed heritage assets and their continued use. Saved Policy HE10 states that whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these buildings should be of a high standard compatible with the character of the building.
- 9.44. The site comprises single storey early 19th century farm out-buildings associated with a larger dairy farm. On previous applications, a significant amount of information was presented regarding the condition of the existing buildings and their suitability for conversion to employment or alternative uses.
- 9.45. The buildings have half-hipped or gable clay tile roofs and flint walls with brick dressings. The main barn building has semi-circular arched openings providing access to the rear yard.
- 9.46. As with the previous application, the principle of bringing this vacant heritage asset back into active use is welcomed and a mixed use approach is considered

appropriate. The proposed footprint and scale is similar as approved under application BH2018/03798. The proposal retains the most significant elements of the heritage asset however it would result in the loss of the late 19th century northern and part eastern ranges to the rear of the site. It has previously been accepted that due to the poor condition and limited height of these ranges, a conversion scheme would not accommodate many residential units and would be likely to require substantial rebuilding works. The loss of the 20th century roofed enclosure is welcome.

- 9.47. The proposals partial retention and partial rebuild of other buildings. The main large central barn would be retained as previous, as well as the detached building to the west, which is a late 19th century animal shelter. The proposal also includes the reinstatement of a central range to the front courtyard which is consistent with the historic mapping of the site. The height of this range and its continuous ridge line are appropriate, and this building as previously approved would be appropriately subservient in scale to the main barn.
- 9.48. To the rear (north) of the site, the existing building would be demolished and the central canopy over the covered courtyard would be removed. A terrace of housing set on a similar footprint is proposed in replacement of the building. The new building would not be visible from The Droveaway, and the updated contemporary design is considered an appropriate change from previously approved. It is therefore considered that the proposed new building would remain subservient to the main building and would be acceptable in terms of its impact on the setting of the locally listed heritage asset.
- 9.49. The Heritage Team initially raised concern regarding the largely residential conversion, excessive number of rooflights in historic roofs, inappropriate dormer window additions, the sub-division of the historic courtyard spaces to provide gardens, and an excessive amount of car parking using space around the historic gardens.
- 9.50. Following amendments to the scheme, the amount and density of residential development and the mix of uses are now considered to be more compatible with the historic agricultural character of the site. The removal of harmful dormers and general improvement to the appearance of the rooflights is a welcomed improvement overall. The number of car parking spaces has been reduced, and the two courtyards would now be retained as largely open, undivided and uncluttered spaces
- 9.51. Paragraph 197 of the NPPF states that "in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 9.52. In this case, the proposals would result in some harm to the heritage asset as a whole through loss of historic fabric and features and a change in the character of the site. The loss of some parts would impact negatively on the significance of the retained elements by eroding the historic grouping and context. The most significant elements of the site would however be retained and the key public

views from The Drove way would be conserved. Furthermore bringing the site back into long term sustainable use is a heritage benefit and the removal of the harmful 20th century additions would also be a welcome heritage benefit.

- 9.53. The overall development and arrangement proposed is considered to be acceptable in design and heritage terms, and the heritage benefits outweighs the harm in this instance.

Landscaping:

- 9.54. The proposed site layout indicates areas of lawn / planting. A fully detailed landscaping scheme and planting schedule is recommended to be secured by condition. The parking courtyard could accommodate a greater area of ground planting around edges, to define between vehicular and pedestrian areas and improve outlook from northern and eastern wing dwellings.

- 9.55. The Heritage Team have highlighted that the trees within the courtyards conflicts with the agricultural character of the site. A more informal planting scheme required by condition would be able to mitigate the harm.

- 9.56. Whilst there are no trees within the site itself, a number of trees are located within neighbouring sites alongside the boundaries of the site. It is recommended that a scheme of protection measures to ensure that these trees are not harmed during construction works be secured by condition.

**Impact on Amenity:**

- 9.57. 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.

- 9.58. 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 previous uses on site.

- 9.59. In terms of increased bulk and overlooking, the greatest potential impact would occur to the north of the site where the proposed terrace would be built facing the shared boundary with residential dwellings beyond. The dwellings in the proposed north building have a layout of living accommodation at ground floor level with bedrooms within the upper levels. The revised design of the northern building would have a differing roof shape and fenestration to that of the previously approved scheme.

- 9.60. Due to the site levels, in addition to the screening proposed along the northern boundary, it is considered that the proposed development can be successfully accommodated on site whilst achieving an appropriate relationship with the residential property to the north (6 Mallory Road).

- 9.61. The proposed commercial uses have the potential to cause disturbance through customer and employee movement, deliveries and services, and plant and machinery. As with previous permissions, it is recommended that hours are restricted by condition, as well as other conditions being used to restrict noise output from any plant/machinery. The s106 agreement would secure the provision of the loading bays for future deliveries/servicing.
- 9.62. It is also recommended that a Construction and Environmental Management Plan be secured to control noise and disturbance during the construction phase of the development.
- 9.63. Many of the representations received object to the scheme on the basis that it would generate additional vehicular movements in the surrounding area. It is not considered that the potential for vehicular movements would cause disturbance of a magnitude which would warrant the refusal of planning permission, particularly given the former use of the site as a dairy, and the extant permissions.
- 9.64. Subject to the application of appropriate conditions, overall it is considered that the proposed development would not cause significant harm to neighbouring amenity.

**Sustainable Transport:**

- 9.65. 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).
- 9.66. The previous use of the site as a storage and distribution centre by its nature would have generated vehicular movements and trips. Since this use ceased the site has been dormant.
- 9.67. The applicant has positively responded to the highway issues raised by the Highway Authority, where the constraints of the site and the precedent of the previous approved application allowed for improvements. It is considered that no material transport issues remain outstanding that would affect highway capacity or road safety to an extent such as to warrant refusal of the application.
- 9.68. Overall, subject to appropriate conditions and s106 requirements, the scheme is considered acceptable in transport terms.

Access:

- 9.69. The proposed development would reuse the three existing site access points on The Drove way and as approved under the previous applications. The proposed vehicular access on Mallory Road as previously approved would require a

vehicular crossover secured by condition and carried out under license. The proposed pedestrian accesses and vehicular accesses are considered acceptable.

- 9.70. The proposed plans show a demarcated footway along the western vehicular access to provide a continuous footway to access the north of the site. The design of this would need to comply with building regulations.
- 9.71. Proposed on-street loading bays are proposed on The Droveway. The western bay is shorter in length and could be utilised by smaller delivery vehicles. This will require compliance with a Stage 1 Road safety Audit to fully ensure it is safety compliant.
- 9.72. The Highway Authority have raised concerns regarding the bin storage and collection but CityClean have raised no objection. Concerns have also been raised regarding vehicle manoeuvring conflicting with location of cycle stands within the site. Further details of cycle storage and bin storage are required by condition.

Cycle Parking:

- 9.73. Further to amendments made to the scheme, additional cycle parking is now proposed with 80 cycle parking spaces overall providing occupier and visitor parking. The Highway Authority have raised concerns in relation to the configuration and access of the cycle stores. However, these are considered insubstantial, and given the constraints of the site layout, not so significant as to warrant refusal of the application on this basis. Full details, including further security measures, are to be provided by condition.

Vehicle Parking:

- 9.74. 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
- 9.75. Following the site layout amendments to the scheme, four disabled spaces would now be provided. The scheme overall would provide 26 parking spaces for the residential development. Details of the parking layout can be provided by condition.
- 9.76. The proposed uses would generate vehicular movements / trips from residents, workers and visitors to the site. It is acknowledged that there is a high demand for on street parking on The Droveway for various reasons. The site is within Controlled Parking Zone P. The potential increase in vehicle trips, despite the provision of off-street parking, has the potential to exacerbate existing reported parking stress in the area. However, it is not considered appropriate to impose the car-free condition requested by the Local Highway Authority because parking in the local area and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone.

- 9.77. Details of electric car charging provision would be required by condition.

**Sustainability:**

- 9.78. 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.
- 9.79. 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. This may be challenging given that some conversion of historic buildings is involved, therefore the condition wording proposed allows some flexibility should an Excellent scoring not be achievable across all scoring categories.

**Other Considerations:**

Air Quality:

- 9.80. Policy SU9 of the Local Plan relates to pollution and nuisance control. The site is not within an Air Quality Management Area (AQMA). The extra vehicle movements as a result of the development is unlikely to create a significant impact on air quality in the vicinity.

Flood Risk:

- 9.81. 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.
- 9.82. The site is within Flood Zone 1 which has the lowest risk fluvial risk of flooding. The applicant has submitted a Flood Risk Assessment and SuDs report. 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. The proposal includes porous surfacing and rainwater harvesting tanks alongside two onsite attenuation tanks.
- 9.83. The Council Flood Risk Team have recommended details of the existing drainage arrangement and details of the final peak rate of the surface water runoff are submitted by condition.

Ecology:

- 9.84. Policy CP10 of Brighton & Hove City Council's City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity

wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development.

- 9.85. The County Ecologist advises ecological harm and impact upon protected species unlikely on the existing site. The Planning Statement states that proposals would result in a net gain in biodiversity through the introduction of soft landscaping and residential gardens. However, the details provided are limited. It is recommended that Ecological Design Strategy be secured by planning condition.

Archaeology:

- 9.86. The proposed development is within an Archaeological Notification Area defining the remains of an historic farm
- 9.87. The County Archaeologist has previously recommended that a scheme of Archaeological Investigation is provided, this will be required by condition.

Land Contamination:

- 9.88. It has been identified that the site has a history of use that potentially has resulted in contaminated land. 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:

- 9.89. 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.
- 9.90. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. 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**

- 9.91. 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.
- 9.92. As noted previously the Council is currently unable to demonstrate a 5-year housing supply. In the current climate, this scheme would make a significant contribution to the housing shortfall.



- 9.93. The proposed development would provide a significant delivery of commercial employment floorspace. Furthermore, the proposal would ensure the retention of much of the fabric and character of a locally listed heritage asset and would secure an active use of the site for the future.
- 9.94. Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, and air quality have been assessed and have been considered acceptable.
- 9.95. Overall, whilst the proposed scheme would have some impact upon neighbouring amenity and traffic implications, it is considered that the scheme would deliver genuine benefits in the form of new employment and mixed use spaces, residential units including affordable units, and would ensure an appropriate redevelopment of a locally listed heritage asset. Overall, the scheme is considered acceptable and it is recommended for approval subject to the conditions and s106 requirements set out in this report.

## **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 £425,721.56. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it is practicable after the issuing of planning permission.

## **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 to 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 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.
5. The proposed development fails to provide required highway works on Mallory Road and The Drove way to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

**Cllrs. Vanessa Brown and Samer Bagaen  
BH2020/00931 - Former Dairy, 35 - 39 The Droveaway**

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

As Councillors for Hove Park Ward we are writing to strongly object to the above planning application. This site already has planning permission but this new application reduces the amount of commercial space and increases the number of houses from 14 to 25. This is an inferior scheme and would be a complete overdevelopment of the site. These plans do not conserve the significance of the heritage asset or respect the sense of place.

Previously there were 8 dwellings to the Northern boundary of the site but now there are 9. To do this the houses have been made narrower and the roof levels have been increased making them more dominant. The houses are of poor design. The windows on the Northern roof slope have greatly increased in size causing a loss of privacy and overshadowing to nearby houses. The density of the housing is completely out of character with the surrounding area. The houses all have very small gardens and there is insufficient green space on the site.

There is now only one small detached building to the West of the site for commercial use, although this was supposed to be a mixed use development.

The Heritage Team are recommending refusal of the scheme and we totally agree with their views.

If this application should be recommended for approval we request that it go before the Planning Committee for decision.



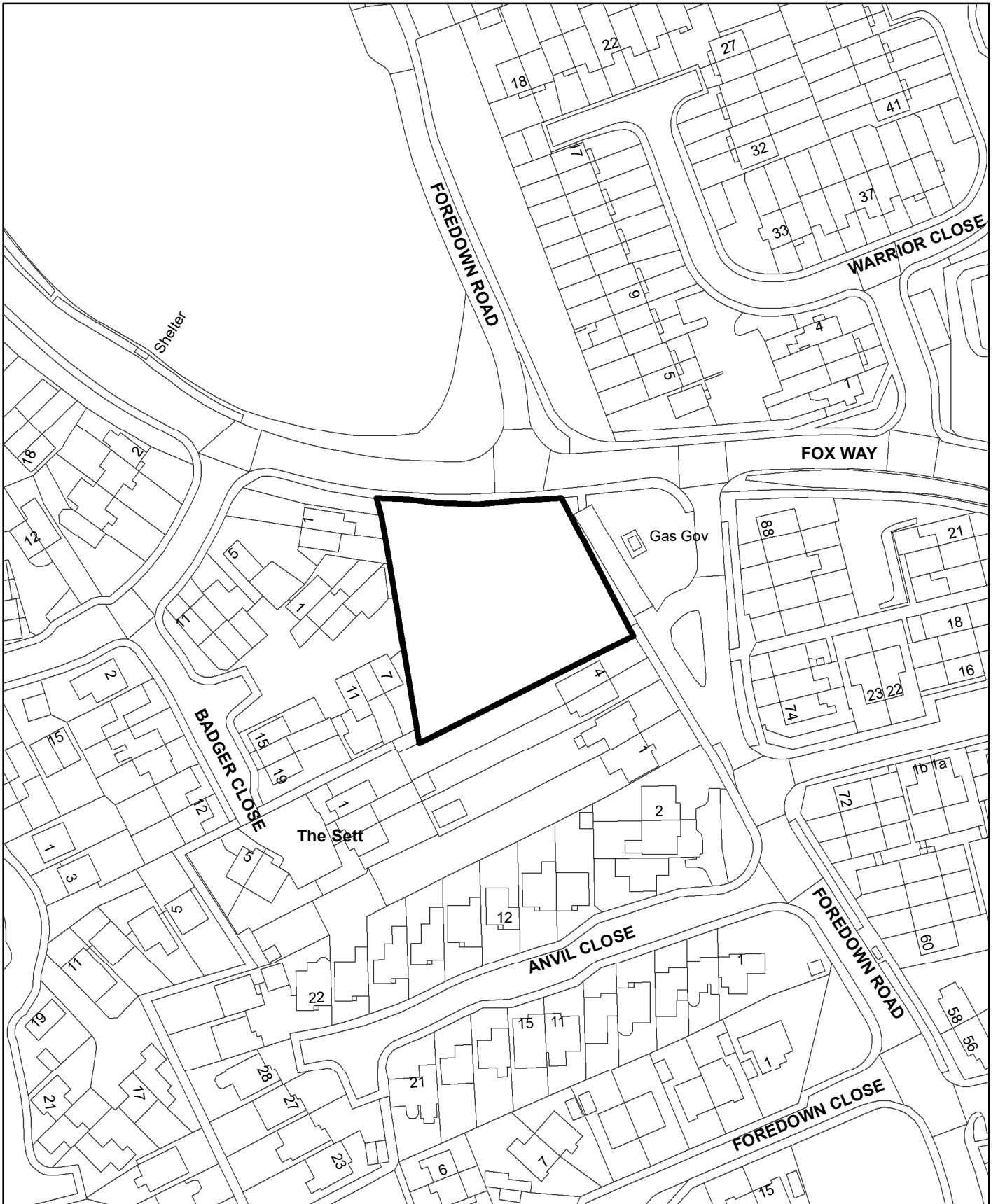
# **ITEM D**

**Land At Junction, Foredown Road  
BH2021/00780  
Outline Application**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**



# BH2021 00780 - Land At Junction, Foredown Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2021/00780</b>	<b><u>Ward:</u></b>	<b>North Portslade</b>
<b><u>App Type:</u></b>	<b>Outline Application</b>		
<b><u>Address:</u></b>	<b>Land At Junc Foredown Road Fox Way, Foredown Road, Portslade</b>		
<b><u>Proposal:</u></b>	<b>Outline application with all matters reserved apart from access for erection of 14no. two and three bedroom houses with associated car and cycle parking, changes to vehicular and pedestrian access.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	04.03.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	03.06.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Paul Burgess Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Mike Stimpson Mike Stimpson Properties Ltd		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	20234/11		4 March 2021
Location Plan	20234/99		4 March 2021
Proposed Drawing	20234/21	B	18 June 2021
Proposed Drawing	FWP/SR/2001	G	18 June 2021
Report/Statement	Reptile Presence/Absence Survey Report	Issue 1.0	4 March 2021

2. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 3.

- a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - (i) layout;
  - (ii) scale;
  - (iii) appearance; 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.

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

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

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

5. No development shall take place until a scheme setting out highway works has been submitted to and approved in writing by the Local Planning Authority. These works shall include the following:
  - New or improved footways will be a minimum 2m width as advised in the Department for Transport Manual for Streets with full height kerbs including the proposed footway along the western side of the old section of Foredown Road between existing dwellings and Fox Way and the proposed footway extension across the grass between new and old sections of Foredown Drive.
  - Full height kerbs will be reinstated along the eastern side of the old section of Foredown Road south of the existing community recycling centre and the area behind them will be reinstated with soil and grass.

- The applicant has proposed to create a new paved area to the east of the proposed community recycling centre and north of the existing community recycling centre and this will be kept in the design with dropped kerbs, paving and tactile paving if necessary as it is on the existing pedestrian desire line between the site and the existing Fox Way pedestrian crossing point.
- Dropped kerb crossings with paving and tactile paving will be provided either side of the new access to the site in the old section of Foredown Road.
- Dropped kerb crossings with paving and tactile paving will be provided between the end of the proposed footway extension and the appropriate footway section of the old Foredown Road.
- A footway across the existing verge and dropped kerb crossings with paving and tactile paving will be provided across the new section of Foredown Road immediately north of its junction with Flint Close to link the south-east to the site similar to how it is proposed to link the north-east to the site with the footway extension.
- Existing vehicular accesses onto the old section of Foredown Road are to be maintained except for the existing one marked on the submitted drawings as number 1 that will have its existing vehicle crossover extended to the new section of Foredown Road.
- Revised road layout design and construction to include as a minimum, appropriate widths, radii, gradients, surface water drainage, street lighting, signage, materials and methods of construction.
- The northern end of the old section of Foredown Road and its' environs is to be paved and landscaped so it creates an attractive and appropriate connection with the existing southern Fox Way footway.
- All redundant areas of road and footway to be reused, recycled or reduced by burial or removal from site as appropriate and reinstated with kerbs, soil and grass.

No part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

**Reason:** The prior to commencement of development requirement is necessary as the works are critical to providing safe access to the site, which is necessary for the proposals to be acceptable, and to ensure that suitable footway provision is provided to and from the development and to comply with Policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and DM33 of the emerging Brighton and Hove City Plan Part Two.

6. 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 and DM44 of the emerging Brighton and Hove City Plan Part Two.

7. 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 and DM44 of the emerging Brighton and Hove City Plan Part Two.

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 they must enter into a Section 278 Agreement with the Local Highway Authority prior to any works commencing on the adopted highway.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under Condition 7 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

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

- 2.1. The application relates to an area of scrubland to the south side of Fox Way and to the west of its junction with the southern part of Foredown Road in Portslade. Badger Close, including 1-9 The Sett, is to the west, as is a pedestrian footpath, which is blocked off at the south western corner of the site. Immediately to the east is a service road for the 'gas governor Portakabin', telephone mast and recycling bins as well as grass mounds. The site is not within a conservation area, is not a listed building or within the vicinity of one and is not within a Controlled Parking Zone (CPZ).
- 2.2. It is worth noting that the site is allocated for residential development (ten new houses) in Draft City Plan Part Two Policy H1 (Housing Sites & Mixed-Use

Sites) which can be given significant weight, and the 2019 update to the Strategic Housing Land Availability Assessment.

- 2.3. Outline planning permission with all matters reserved, apart from access, is sought for the erection of 14no. two- and three-bedroom houses (Use Class C3). The proposal also includes associated car and cycle parking as well as changes to vehicular and pedestrian access.
- 2.4. Whilst it is noted that the application is for outline permission with all but access reserved, a sufficiently detailed Feasibility Site Layout plan has been submitted. However, it has been agreed with the applicant that the drawing is “for illustrative purposes only” and it is therefore not formally part of the application.

### 3. RELEVANT HISTORY

- 3.1. **BH2019/03603:** Outline application with some matters reserved for erection of 7no two bedroom houses and 2no three bedroom houses with associated car and cycle parking, changes to vehicular and pedestrian access and approval of reserved matters for access and layout. Refused 06.03.2020 for the following reasons:
  1. The proposal is an underdevelopment of the site, thereby failing to maximise its use for residential, it does not provide an affordable housing contribution and it does not provide a compliant unit mix. The proposal also fails to maintain some open space on the site. As such, it is contrary to Policies CP1, CP14, CP16, CP19 and CP20 of the Brighton & Hove City Plan Part One.
  2. The proposal results in unsafe and inadequate access in and out of the site that fails to be accessible by all, introducing highways safety concerns. As such, it is contrary to Policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

### 4. REPRESENTATIONS

- 4.1. **Thirty nine (39) objections**, eight (8) from properties directly affected, were received raising the following concerns:
  - The surrounding area is already overdeveloped.
  - Access to the A27 is already very congested and a huge accident risk.
  - It is inappropriate development due to the additional pressure on local infrastructure, shops, schools, doctors and road network.
  - Additional traffic on an already dangerous junction and limited access to the site.
  - Loss of green space, which is full of wildlife, including protected species
  - The wildlife report only considered the edges of the site close to human contact rather than further into the site.
  - Health and safety issues from vehicles potentially crashing into the gas chambers opposite.
  - Air and noise pollution, plus dust from the construction works

- Insufficient parking spaces on site generating overspill parking and potentially causing problems for emergency vehicle access.
- Brownfield sites should be developed in preference to wrecking established greenfield sites.
- This area is also very important archaeologically.
- The size of the proposed houses is really small.
- The transport report produced for this application is not fit for purpose and was undertaken in July 2020 at the height of a pandemic. The traffic survey statistics are therefore not representative of 'normal life'.
- Incorrect supporting detail
- The general strain on land resources like drainage from the proposal.
- It's not viable.
- A public bridle way would be infringed upon by the proposed development
- Loss of privacy / overlooking
- Overshadowing from the proposed properties
- 14 new properties is entirely inappropriate.
- The proposed access to and from this site appears to remain the same as the 2019 application.
- Chaos and disruption would be caused to the bus route and rubbish / recycling collection.
- There are already 125 homes being built in Mile Oak to create more homes in the community.
- The development would block out natural light, obscure views, create social friction and could devalue properties.
- The service road is not designed for through-traffic as it is only meant to serve the existing dwellings, the recycling point and pedestrians.
- The development would not result in a single benefit in the area.
- The existing fly tipping problem at the recycling point would be worsened by further residents.
- Only 10% of parking spaces with an electric charging point is surprising.

## 5. CONSULTATIONS

5.1. **Air Quality:** No objections

5.2. **City Regeneration / Economic Development:** No adverse comments, subject to a sum of £5,600 to support the Council's Local Employment Scheme and an Employment & Training Strategy.

5.3. **County Archaeology:** Recommend for refusal due to insufficient information

5.4. **Designing Out Crime Officer:** No detailed comment

5.5. **Planning Policy:** Approve with conditions

5.6. **Southern Water:** Require the applicant to make a formal application for a connection to the foul sewer; request engagement regarding the design for disposal of surface water; seek details of the proposed means of foul sewerage

and surface water disposal should be submitted to and approved in writing by the LPA in consultation with Southern Water, which should be added as an informative to any permission. Possibility that a public sewer could cross the development site. If one is found during construction works, an investigation into its ownership will be required before any further works commence on site.

5.7. **Sustainable Drainage:** No objection, subject to a condition securing a Surface Water Drainage Strategy and associated management and maintenance plan.

5.8. **Transport:** Seek amendments

- The outline application could be accepted subject to the proposed raised pedestrian crossing table being replaced by dropped kerbs and tactile paving and the recommended condition and informative.

## 6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

## 7. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP7 Infrastructure and developer contributions

CP9 Sustainable transport

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing density

CP16 Open space

CP19 Housing mix

CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development

QD27 Protection of amenity

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

DM19 - Maximising Development Potential

DM20 - Protection of Amenity

DM33 - Safe, Sustainable and Active Travel

DM37 Green Infrastructure and Nature Conservation

H1 Housing Sites and Mixed Use Sites

Other Documents

Open Space Study Update 2011

Urban Characterisation Study 2009

Developer Contributions Technical Guidance - June 2016

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development on the site and the site access.

### **Principle of development:**

- 8.2. 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. The Council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 8.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 8.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year



housing supply shortfall of 6,604 (equivalent to 2.2 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).

- 8.5. As previously noted, the site is a Residential Site Allocation within Table 5 of Draft City Plan Part Two Policy H1. The indicative number of residential units is 10. The proposed development would result in the gain of 14 units and would therefore make a small, but important contribution towards the Council's housing target given the importance of maximising the use of sites, which must be given significant weight.
- 8.6. Another matter regarding the principle of development is the loss of open space, which this site is considered to be. City Plan Part One Policy CP16 outlines that proposals that result in the loss of open space will only be granted subject to a number of criteria. In this case, criteria (a) applies since the loss results from a development allocation in a development allocation. However, regard must be had to maintaining some open space (physically or visually). This could be through outdoor play opportunities and community gardens that help to provide access to nature, local food growing and wellbeing benefits as well as social cohesion.
- 8.7. No such facilities are proposed in this scheme other than private gardens. However, since the layout plan is indicative only and layout and landscaping will be addressed through a reserved matters application, the lack of open space at this stage cannot form a reason for refusal. It is noted that the proximity of the South Downs National Park and children's play facilities will not be considered to be adequate justification for not maintaining some open space on site at the reserved matters stage. If open space is not provided on site then appropriate alternative provision or a financial contribution towards off-site provision will be required via a legal agreement.
- 8.8. As such, the principle of development is considered acceptable. The acceptability or otherwise of the scheme is subject to the unit mix, density and a satisfactory access. This is discussed below.

**Unit mix:**

- 8.9. An equal mix of two- and three-bed dwellinghouses are proposed, namely seven of each. A unit mix compliant with the demographic analysis of the demand / need (for both market and affordable homes) for homes in the city undertaken by the Council would be three x 1 bed dwellings, five x 2 bed dwellings, four x 3 bed dwellings and two x 4 bed.
- 8.10. However, it is considered that the provision of one-bedroom dwellings has historically exceeded the predicted needs of the city, whereas there remains a significant shortfall in meeting the requirement for family sized dwellings. Further, with regards to market housing two- and three-bed dwellings are in most demand within the city, and this site is close to the National Park and

children's play facilities, with stated aims of being a family friendly development. On this basis, the lack of one-bed dwellings is considered acceptable.

- 8.11. In terms of not providing four-bed dwellings, future occupiers would reasonably expect a substantial private garden and more than one private car parking space, neither of which could be achieved on this site without comprising other objectives. As such, the unit mix is considered acceptable and would help to meet the need in the city to provide more family-sized housing.

**Density:**

- 8.12. City Plan Part 1 Policy CP14 outlines that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood, but development will be permitted at higher densities than those typically found in the locality subject to a number of criteria detailed within the policy.

- 8.13. In this case, the gross density of the Mile Oak & Portslade Village neighbourhood, in which this site falls, is approximately 23 dwellings per hectare (dph). The proposed development would have a density of 56 dph. New residential development is expected to achieve a minimum net density of 50 dph, provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the criteria within Policy CP14 can be satisfactorily met, as discussed below.

- 8.14. Matters of design, impact on the character of the neighbourhood, type and size of dwelling and outdoor recreation space will be dealt with at reserved matters stage. However, it is evident that the site is easily accessible by sustainable transport given it is 7 minutes by bike, 12 minutes by bus and 21 minutes by foot from Portslade train station and six minutes, less than 20 minutes and 23 minutes respectively from Fishersgate train station. It is also 1-2 minute walk to the nearest bus stops served by a total of four routes. In terms of local services and community facilities, primary schools, Portslade high street, Portslade Sports Centre and Village Hall are all a short distance away.

- 8.15. As such, the proposed density is considered to be acceptable and broadly in compliance with Policy CP14, taking into account the outline nature of the application and the ability to achieve compliance at the reserved matters stage.

**Access:**

- 8.16. This site is solely proposed to be accessed via a new access from the service road towards the end of the northern section of Foredown Road.

- 8.17. The independent Stage 1 Road Safety Audit undertaken found no issues or problems with the proposed access. As part of this audit, vehicle swept path analysis (shown on drawings) was carried out for a fire tender, a recycling van and a refuse vehicle entering and exiting the site. Both of these indicate that the site access is acceptable. It is also noted that this proposed access could also benefit vehicles serving the community recycling point in terms of them turning and leaving the area in a forward gear.

- 8.1. A raised pedestrian crossing table was previously proposed but would have adversely affected parking and stopping vehicles in that section of the proposed access, caused problems for emergency service vehicles and caused road safety and maintenance problems. It has therefore been removed and replaced with dropped kerbs and tactile paving. This is considered acceptable.
- 8.2. The inclusion of an additional section of footway in this application is welcomed in order to provide a connection between the existing footways in Foredown Road and Fox Way. The installation of this can be secured through a Section 278 (of the Highways Act 1980) Agreement.
- 8.3. Although outside the remit of this application, it is noted that the Local Highway Authority are satisfied with the amount of car parking spaces and the forecasted vehicle trip movements, which would not overwhelm the existing highway network.

**Other matters:**

- 8.4. Matters of health and safety, construction works, drainage capacity, public bridle ways, bus route and waste collection disruption, loss of a view, 'social friction', property values and fly tipping are not relevant planning considerations and have not been taken into account in the determination of this application. The detailed design, size of houses, window placement, electric charging point and archaeological matters will be considered at reserved matters stage.

## **9. CONCLUSIONS**

- 9.1. The proposed development would provide 14 units of residential accommodation in Portslade and would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; which are relatively significant benefits of the proposal. Following revisions made to this proposal, the LPA can support the provision of 14 dwellings in this location since they would not have an adverse impact on highways safety. The proposed development is therefore recommended for approval.

## **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. The amount of CIL liability for C3 use in Charging Zone 3 is £75/sqm. The exact amount will be confirmed at reserved matters stage.

## **11. EQUALITIES**

- 11.1. The provision of dropped kerbs and tactile paving would help make site access possible for the mobility and visually impaired as well as update and improve pedestrian access.

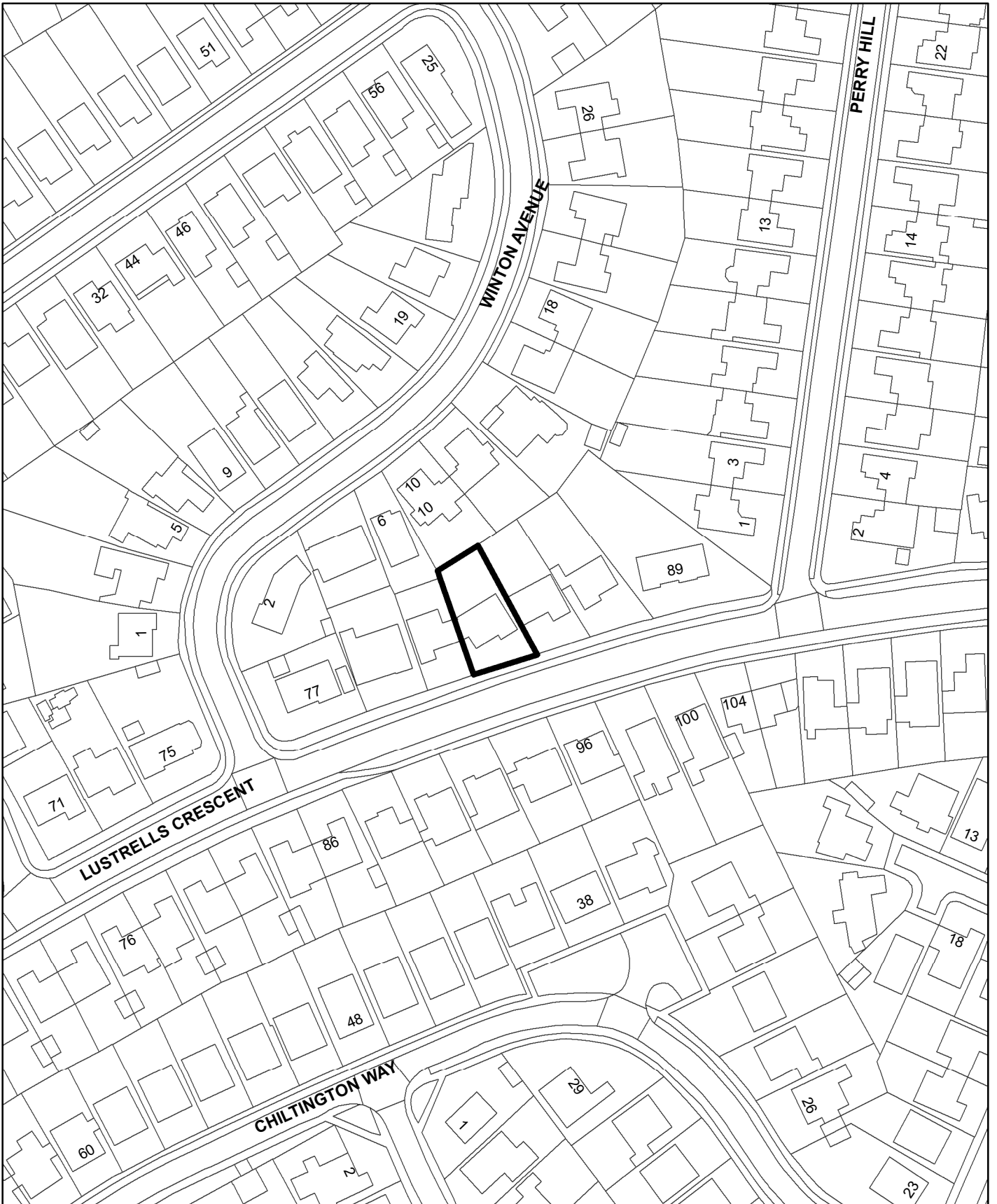
# **ITEM E**

**83 Lustrells Crescent  
BH2020/03291  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**



# BH2020 03291 - 83 Lustrells Crescent



N



**Scale:** 1:1,250





<b><u>No:</u></b>	<b>BH2020/03291</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>83 Lustrells Crescent Saltdean Brighton BN2 8FL</b>		
<b><u>Proposal:</u></b>	<b>Erection of 2no dormer windows and 1no rooflight to the front elevation, 1no dormer to the rear elevation, replacement of existing tiles with grey concrete tiles and replacement of the existing windows with grey windows. (Part Retrospective).</b>		
<b><u>Officer:</u></b>	Nicola Van Wunnik, tel: 294251	<b><u>Valid Date:</u></b>	13.11.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	08.01.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	09.07.2021
<b><u>Agent:</u></b>	Building Technical Services 64 Ellerslie Lane Little Common Bexhill-on-Sea TN39 4LJ		
<b><u>Applicant:</u></b>	John Crunden 83 Lustrells Crescent Saltdean Brighton BN2 8FL		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	07-0221-03		24 February 2021
Proposed Drawing	07-0221-04		24 February 2021
Location Plan	03-1020-05		13 November 2020
Block Plan	03-1020-06		13 November 2020

### 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 site relates to a detached bungalow located on the north side of Lustrells Crescent. The site is not in a conservation area and there are no Article 4 Directions covering the site relating to extensions and alterations. The

streetscene is characterised by dwellings of a similar scale but of varying design and external finishes.

### **3. RELEVANT HISTORY**

#### **Planning History for the wider Lustrells Crescent**

- 3.1. **BH2021/00640 - (81 Lustrells Crescent)** - Roof conversion with hip to gable side extensions and installation of front & rear dormers. Approved 30/04/2021
- 3.2. **BH2020/00469 - (90 Lustrells Crescent)** - Roof alterations incorporating front dormer and 1no rooflight. Approved 21/04/2020
- 3.3. **BH2019/01123 - (26 Lustrells Crescent )** - Erection of two storey side extension, single storey rear extension and dormer to front. Approved 21/06/2019
- 3.4. **BH2014/00818 - (26 Lustrells Crescent)** - Creation of 2no dormers to rear. Approved 06/06/2014

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the installation of two dormers and one rooflight to the front roofslope, a dormer to the rear roofslope, replacement of the existing roof tiles with grey concrete tiles and replacement of the existing windows/doors with grey aluminium units.
- 4.2. The application is part retrospective as the rear dormer has been installed and the roof tiles to the rear roof slope have been replaced. To seek planning permission retrospectively is a valid course of action in the development process and is not a material consideration in the determination of this application.

### **5. REPRESENTATIONS**

- 5.1. **Five (5)** letters has been received objecting to the proposed development on the following grounds:
  - Poor design
  - Materials out of keeping with the surrounding area
  - Appearance similar to an industrial building
  - Overdevelopment
  - Precedent for future applications
  - Loss of privacy
- 5.2. **One (1)** letter has been received commenting on the proposed development on the following grounds:
  - Dark colour of the dormer and windows provides an ugly view

## 6. CONSULTATIONS

None

## 7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of Amenity

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 key CPP2 policies considered in determining this application is set out below where applicable.

DM20 Protection of Amenity

DM21 Extensions and alterations

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

## 8. CONSIDERATIONS & ASSESSMENT

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

Design and Appearance

- 8.2. The proposal includes the replacement of the existing roof tiles with grey concrete tiles, and grey aluminium windows/doors to replace the existing windows and doors. The existing roof is covered in concrete tiles, red/brown in colour and the property features white fenestration, which is overwhelmingly the prevailing situation throughout the streetscene.
- 8.3. It is acknowledged that the scheme proposes a contemporary appearance with the introduction of grey tiles and grey fenestration which would be a departure from the prevailing streetscene. However, it is considered there would not be a resultant level of harm to the appearance of the area to such an extent as to warrant refusal of the application.

- 8.4. The proposed front dormers would be suitably subservient and well positioned with the front roofslope. They would be finished grey concrete tiles and grey windows. Given the number and range of styles of front dormers along this particular road and within the vicinity of the site, the proposed front dormers would not represent an incongruous addition that would harm the property or wider streetscene
- 8.5. There is no objection to the installation of the front rooflight.
- 8.6. The rear roofslope has been altered to include a large flat roof dormer which is clad in grey concrete tiles, to match the tiles recently replaced on the rear roofslope, and features grey aluminium windows.
- 8.7. It is acknowledged that the dormer is on the boundaries of acceptability and contrary to the common approach adopted by the Local Planning Authority in terms of design and size. However, a dormer of similar scale, at the rear, could be installed under 'permitted development' rights if the materials used matched the (previously) existing, a fact which must be given significant weight.
- 8.8. Further, the dormer does not extend the full height of the rear roofslope and is set well off the sides of the roof and set up from the eaves. It is therefore considered acceptable in this instance.

#### Impact on Amenity

- 8.9. The front dormers would provide views to the street and into neighbouring front gardens so no significant harm has been identified, given this is the existing situation, in common with most streets in the City.
- 8.10. The rear dormer features four windows, two serving bedrooms and two serving en-suite bathrooms. It is acknowledged that the proposed dormer would introduce fenestration at first floor level; however due to the close proximity of neighbouring properties and sloping land levels, a degree of mutual overlooking already exists. The potential increase in overlooking is not considered to be of a magnitude to warrant refusal of the application.

#### Other Matters

- 8.11. During a site visit carried out in June 2021, works to the front garden were in the process of being undertaken. Although these works may require planning permission, they are not being assessed under this current application and this matter has been referred to Planning Enforcement for investigation.

## **9. EQUALITIES**

None identified

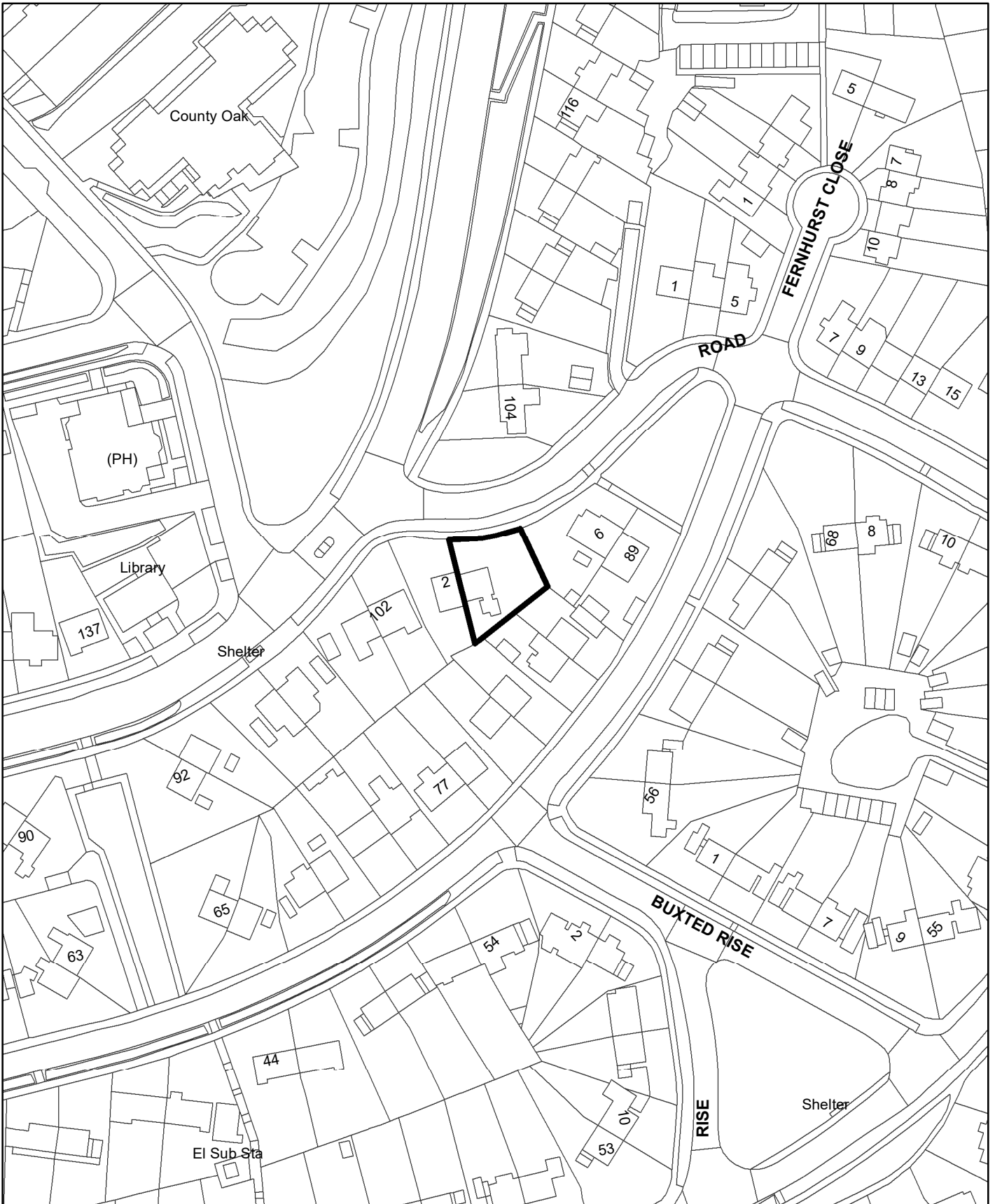
# **ITEM F**

**4 Keymer Road  
BH2021/01013  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**



# BH2021 01013 - 4 Keymer Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2021/01013</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>4 Keymer Road Brighton BN1 8FB</b>		
<b><u>Proposal:</u></b>	<b>Erection of a two storey two bedroom attached dwelling (C3).</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 293311	tel: <b><u>Valid Date:</u></b>	22.03.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	17.05.2021
<b><u>Listed Building Grade:</u></b>	Not Applicable	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Jones Architects Stone House Studio The Crescent Steyning BN44 3GD		
<b><u>Applicant:</u></b>	Mr R Comer 26 Varndean Gardens Brighton BN1 6WL		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	A020		22 March 2021
Proposed Drawing	A100A		19 May 2021
Proposed Drawing	A200A		14 May 2021
Location Plan	A000		22 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. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

4. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance 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 & Hove Local Plan and CP12 of the City Plan Part One

5. No development shall commence until the existing /outbuildings as shown on drawing A100A have been demolished and the ground made good.

**Reason:** To ensure that a suitable private amenity area is provided to 4 Keymer Road in line with Policy HO5 of the Brighton and Hove Local Plan.

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

- a) samples/details of all brick and tiling
- b) samples/details of all hard surfacing materials
- c) details of the proposed windows, doors, balconies and railings treatments
- d) details of all other materials to be used externally

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part One.

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

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

8. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
9. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
10. The 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.
11. 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 City Plan Part One.
12. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
13. A bee brick shall be incorporated within the external wall of the dwelling 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.

14. Three (3) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water.  
The applicant is also advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
3. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome of this consultation.
4. 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.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

## 2. SITE LOCATION

- 2.1. The application relates to the area of garden to the side (east) of a two-storey semidetached house on the south side of Keymer Road. The area is predominantly characterised by pairs of semi-detached properties, although to the north are four small groups of terraced houses. The site is not located within a conservation area.

## 3. RELEVANT HISTORY

- 3.1. **BH2020/03668:** Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and front rooflights. **Approved January 2021.**
- 3.2. **BH2017/02490:** Erection of 1no two storey two-bedroom house (C3). Refused March 2018. Appeal dismissed December 2018
  1. The proposed development, by reason of the loss of the spacing and separation between dwellings that typifies the character of the locality, results in an inappropriate sub-division of the plot. Consequently, the width, scale and roof form of the resulting dwelling would appear cramped and unduly prominent within the streetscene. The proposed development would therefore fail to respect, reinforce or contribute to a sense of place and will have a significantly detrimental impact on the character and appearance of the site and would compromise the quality of the local environment, contrary to policies CP12 and CP14 of the Brighton and Hove City Plan Part 1.
- 3.3. This application determined that owing to the re-positioning of the dwelling further to the west the overbearing impact previously identified no longer existed and had been satisfactorily addressed.
- 3.4. This later application was also subject of an appeal. The Planning inspector dismissed this appeal upholding that the appeal proposal would be harmful to the character and appearance of the area owing to the loss of spacing and roof bulk contrary to Policies CP12 and CP14.
- 3.5. **BH2016/05748:** Erection of single two-storey detached dwelling. **Refused March 2017.**
  1. The proposed dwelling, by reason of its proximity to no. 4 Keymer Road and the shared boundaries with no. 6 Keymer Road and no. 87 Fernhurst Crescent would appear unduly cramped, lacking the sense of space and separation which typifies the character of the locality. The proposed roof form, similarly, would fail to respect the character of the locality and would further add to the cramped appearance of the development. Furthermore, the property would relate poorly to the urban grain, being a detached house which would be an alien form of development in this location. For these reasons, the proposed development would have a significantly detrimental

impact on the character and appearance of the site and the wider streetscene, contrary to policy CP12 of the Brighton and Hove City Plan Part 1 and policy QD5 of the Brighton and Hove Local Plan.

2. The proposed dwelling, by virtue of its height, bulk, scale, form, positioning and proximity to shared boundaries, would have an overbearing impact on occupiers of no. 6 Keymer Road and no. 87 Fernhurst Crescent, resulting in overshadowing and an increased sense of enclosure. Furthermore, the proposed development would result in an inappropriately small provision of outside amenity space to the occupiers of no. 4 Keymer Road. As such, the proposed development would have a significantly detrimental impact on the amenity of occupiers of neighbouring properties contrary to policy QD27 of the Brighton and Hove Local Plan.

- 3.6. In order to address the concerns raised by these previous refused applications the following amendments have been made resulting in the current scheme:

- The width of the of the dwelling has been reduced by approximately 1.3m
- The ground floor level has been raised to respect the topography
- The eaves towards the east have been lowered to line through with No.2
- Reduction of the extended ridge compared to the previous application
- An assessment made of the wider character of the area

- 3.7. During the lifetime of the current application amendments have been recieved in response to officer comments regarding the design of the scheme. The following amendments have been made:

- Increase in height of the main ridge to match No.4 adjacent
- The front roof pitch is now on plane with the roof of No'4
- Additional window added to the front elevation

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the erection of a two-storey two-bedroom property attached to No.4 Keymer Road.

- 4.2. A site visit was undertaken to this property in June 2021.

#### **5. REPRESENTATIONS**

- 5.1. **Eighteen (18)** letters have been received, objecting to the proposed development on the following grounds:

- Overlooking
- Reduced natural light
- Loss of privacy
- Additional traffic
- Loss of view
- Overdevelopment
- Impacts on parking

- Overshadowing
- Harm to the spacious character of the area
- Smaller amenity space for the existing house
- The property would form a terrace
- Increased depth at the front and rear
- The application would set a precedent
- Sense of enclosure
- Proximity to the boundary
- Poor standard of living conditions
- Additional roof bulk
- Loss of spacing
- Loss of property value
- Not significant amendments to previous refusal
- Loss of outlook
- Inaccuracies in the application

5.2. **One (1)** letter of representation has been received supporting the proposed development on the following grounds:

- The development utilises a suitable plot of land
- Design is proportionate to the location

5.3. Following a re-consultation process after amended plans were received, **Two (2)** further letters of objection has been received raising the following:

- Increased roof height
- Sense of enclosure
- Proximity and size of the building will cause harm
- Additional window to study/landing could be used as additional bedroom
- Overlooking
- Overshadowing
- Impact on neighbouring accommodation

5.4. **Councillor McNair** has objected to the application. A copy of his representation is attached to the end of this report.

## 6. CONSULTATIONS

### External

6.1. **Southern Water** No objection subject to informatives.

### Internal

6.2. **Highways** No objection subject to conditions

## 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
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP16	Open space
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
QD15	Landscape design
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

#### Brighton & Hove City Plan Part 2 (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 key CPP2 policies considered in determining this application is set out below where applicable.

DM18	High quality design and places
DM20	Protection of Amenity



DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
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 visual impact of the development on the character and appearance of the site and wider area, the standard of accommodation provided and any potential impact on the amenities of neighbouring properties, in addition to transport and sustainability issues.

### **Principle of development**

- 9.2. This application seeks to erect 1 no. new dwelling within the garden of an existing property.
- 9.3. 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. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.4. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.5. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.6. 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).

- 9.7. As a principle of development, therefore, the provision of a new dwelling must be given significant weight. Further, residential development on a residential site would be appropriate, however the specific impacts of additional dwellings on this plot must be considered as to whether the development is appropriate on the land and whether visual harm and/or harm to neighbouring amenity would occur. This detailed assessment is set out below.

### **Design and Appearance**

- 9.8. City Plan Part 1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 9.9. Further, City Plan Part 1 Policy CP14 allows for infill development within the city when a high standard of design is achieved and the resulting development would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.
- 9.10. The proposed dwelling would result in the existing semi-detached properties being read as a small terrace of three. It is considered that the principle of a terrace in this location would be acceptable as there are several examples of terrace properties within the wider area. The appeal inspector in relation to application BH2017/02490, also noted that a resultant terrace of properties would be more in keeping and more integrated than the detached dwelling first proposed in application BH2017/02490.
- 9.11. It is acknowledged that No's 2 and 4 Keymer Road are set on spacious plots and that both gardens have large side gardens. This spacious character is typical for the wider area. Information has been submitted as part of this application to demonstrate that the key open spaces of the area are situated on the road junctions and that it is these spaces that contribute most greatly to the open character of the wider area. Properties on surrounding roads between junctions are laid out in small clusters and the application site would sit within one of these clusters. On this basis, the scheme layout and the infill of the plot frontage is considered to be in keeping with the area.
- 9.12. It is noted that owing to the topography of the area, that the application site would be highly visible from the junction of Keymer Road with Carden Hill. Careful consideration has been given to the spacing between properties. In response to the previous refusal, this application reduces the width of the property by approximately 1.3m, which has increased the separation distance of the property to the shared boundary with No.6 Keymer Road. At its narrowest point, the new dwelling retains a distance of 4.4m from this boundary.
- 9.13. The officer report in relation to the 2017 refused application stated that the new dwelling would appear cramped within the streetscene. The appeal inspector further highlighted that: "...the introduction of the appeal proposal would erode this spacing and would consequently be harmful to the character and appearance of the area."

- 9.14. In response to this the applicant has also undertaken a study of the separation distances between properties in the wider area. Spacing between properties varies in the area measuring between 1.7m and 16.1m to the rear on Fernhurst Crescent. However adjacent to the application property, No.2 Keymer Road is separated from 102 Carden Hill by a distance of 7.1m.
- 9.15. When considering the properties in close proximity to the site, the average distance measured between two properties is 11.8m. The proposal would retain a distance of 13.7m between the side wall of the proposed dwelling and the rear wall of No.6 Keymer Road. It is considered that the reduction in width of this property, compared to that of the earlier application, would allow for sufficient spacing to be retained and ensures that the new dwelling would not appear as a cramped addition to the streetscene.
- 9.16. It is acknowledged that No.4 Keymer Road would lose a significant proportion of the existing garden space. However, the resultant garden area to the rear would be broadly similar to the rear of No's 85 and 87 Fernhurst Crescent. It is also acknowledged that the resultant plot size of the new dwelling proposed would be smaller than what is typical for the area, however following the various amendments made to the design of the scheme, the dwelling no longer appears squeezed into the plot. On balance, given the revisions made under this scheme which increase the spacing of the dwelling within the Keymer Road streetscene, in addition to the proportions and mass of the property, it is considered that the dwelling would be in keeping with surrounding properties and would allow it to sit appropriately in the plot.
- 9.17. The decision on the previous application (BH2017/02490) raised concerns regarding the design of the dwelling, specifically in relation to its mass and proportions. Owing to a reduction in width, the new scheme would now measure no more than No.2 Keymer Road and would result in a more balanced appearance.
- 9.18. Concerns were also raised regarding the bulk of the roof form proposed. This was further supported by the planning inspector in relation to this application who stated: "The introduction of the appeal proposal would also significantly increase the overall scale and bulk of the current semi-detached properties, particularly the roof where the ridge-line would then be extended to approximately double the length of the current properties".
- 9.19. Amendments were sought during the lifetime of this application with regards to the roof form proposed. Requests were made for the ridgeline of the new property to match No.4 as it was considered the lower roof form did not relate well to the existing semi-detached pair. As a result of the amendments received, re-consultation of the application was undertaken.
- 9.20. The ridge height of the existing property was to be extended by 7.6m under application BH2017/02490. This has now been significantly reduced to 4.9m. It should though be noted that a lawful development certificate was approved in 2019 allowing a hip to gable roof extension at No.4 and therefore the extended

roof line beyond this permitted change, to provide the new dwelling would measure 1.6m

- 9.21. The current proposal would ensure that the eaves height of the front and rear projections lines through with No.2 resulting in a more balanced and sympathetic appearance. The property would include a small front gable projection, and whilst gable ends are not typical to this section of the streetscene, they can be seen further along Keymer Road. Furthermore, it is considered acceptable given that the streetscene is not homogenous in character so would not adversely harm the visual amenities of the streetscene.
- 9.22. The fenestration proportions of the dwelling closely match that of the existing semi-detached pair. In addition, the materials of the dwelling, which comprise red brick and tile hanging at first floor will match closely with No's 2 and 4 Keymer Road, ensuring a coherent development. A condition is recommended to ensure that the final external materials are acceptable.
- 9.23. The proposed development is therefore considered to form an acceptable addition to the site that would not compromise the character of the surrounding area in accordance with Policy CP11 of the City Plan Part One and DM18 of the City Plan Part 2.

#### Standard of accommodation

- 9.24. 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.
- 9.25. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.26. The proposal provides a two storey two-bedroom property. The property overall would provide approximately 78sqm of internal floor space, which meets the minimum standards set out within the NDSS for the number of bedrooms and potential occupiers proposed.
- 9.27. At ground floor the property comprises an open plan kitchen/dining/living area, a utility room and W/C. At first floor the property proposes two bedrooms and a bathroom. The bedrooms, when measured above 1.5m in head height would measure approximately 10.7sqm and 12sqm. These rooms would both exceed the minimum standard in the NDSS.
- 9.28. Furthermore, the property would provide sufficient floor area for the placing of likely furniture items required by future occupiers whilst retaining sufficient useable floor area and circulation space. In addition, each habitable room would benefit from acceptable levels of light, outlook and ventilation.

9.29. Policy HO5 of the Local Plan and emerging policy DM1 of the City Plan Part 2 (which can be given significant weight) require the provision of private amenity space in new development. This dwelling would feature a garden area to the rear accessed via the kitchen and also an area of amenity space to the side of the property accessed from the living area. Whilst it is acknowledged that the provision of external amenity space is less than what is typical for the area, the garden space is considered adequate given the additional useable space to the side of the dwelling. Further, the previous application (BH2017/02490) raised no objection to the level of external space provided for the new dwelling.

9.30. It is therefore considered that the proposed dwelling would likely meet the needs of future occupiers and would be in compliance with Policies QD27 and HO5 of the Local Plan and Policy DM20 of the City Plan Part 2.

**Impact on Amenity:**

9.31. Policy QD27 of the Brighton & Hove Local Plan and emerging policy DM20 of the City Plan Part 2 (which can be given significant weight) state 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.

9.32. The properties most likely to be affected by the proposals are No's 4 and 6 Keymer Road and No's 85 and 87 Fernhurst Crescent. Following a site visit to the application site, the impact on these adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy, and no significant harm has been identified.

9.33. The dwelling proposed is broadly similar to that previously proposed under application (BH2017/02490). The officer report in relation to this application stated that whilst No.4 Keymer Road would suffer a substantial reduction in private outdoor amenity space, it was considered that the resultant garden in this case would be sufficient for the number of occupiers. The proposed plans indicate that the existing extensions to the rear of No.4 are to be demolished and a condition is sought to ensure that the extensions are removed to ensure that garden space is suitable.

9.34. No concerns were raised in relation to this previous scheme, which had a bulkier roof form, with regards to any overbearing impact to 6 Keymer Road or 87 Fernhurst Crescent. There are no material changes resulting in a different conclusion being reached to that made in response to the previous application (BH2017/02490).

9.35. To the rear of the property two windows are proposed at first floor, one serving the bathroom and one serving the second bedroom. Any views obtained from these windows would likely be similar to that already existing from No. 4 Keymer Road. Further, owing to the character and urban grain of the area, rear gardens already feature some level of overlooking. Owing to the orientation of the site the proposed dwelling would not be situated so that direct views from the first-floor rear facing bedroom would be had to the rear elevation of No's 85 and 87

to the rear. Further the window to this bedroom has been positioned so that only limited views of the rear would be had in the centre of the room.

- 9.36. The proposed plans also indicate that a native planting area with taller species is to be located along the rear boundary with No.87. A landscaping condition is attached to ensure that details of suitable screening plants are provided to further reduce the potential for overlooking.
- 9.37. The proposed development is therefore considered to be in accordance with Policy QD27 of the Local Plan and Policy DM20 of the City Plan Part 2 which is given significant weight.

### **Sustainable Transport:**

#### Cycle Parking

- 9.38. This proposal requires a minimum of two cycle spaces for the proposed and existing dwelling. Full details of these stores are sought be condition.

#### Servicing

- 9.39. A refuse and recycling area is proposed and is deemed acceptable. There also appears to be sufficient space on-site for residents to store bins on collection day.

#### Car Parking

- 9.40. The applicant is proposing no parking associated with the new dwelling. This accords with the Parking Standards in SPD14. Any overspill parking would likely be onto the highway but parking is unrestricted in this area, so restrictions could be introduced if this was of concern.

### **Ecology**

- 9.41. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.42. 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. Conditions requiring bee bricks and the installation of swift bricks 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.

### **Sustainability**

- 9.43. Policy CP8 of the Brighton and Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. As such a condition is sought to secure these measures.

### **Community Infrastructure Levy**

- 9.44. 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 £11,814.52. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

## **10. EQUALITIES**

- 10.1. Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the dwellings would be capable of complying with lifetime home standards and therefore compliance is sought by condition.





**Cllr. Alistair McNair  
BH2021/01013 - 4 Keymer Road**

**15<sup>th</sup> April 2021:**

Please accept this letter as my **OBJECTION** to this planning application.

I have three overarching reasons for objecting to this planning application: the previous history of the development; the number of questionable and possibly unreliable comments in the planning statement; setting a precedence.

#### **History of Development**

This is the third application to build either a separate house on the land of 4 Keymer Road, or to extend the building, within 5 years. The previous two applications were rejected, and as will be seen later in this objection letter, the current application does not solve any of the previous issues raised by planning officers. A third application seems vexatious, especially when the owner does not live at the dwelling, and thus their only interest merely pecuniary.

It should be noted that the application is made under the name of Mr Comer, when previously the name was Mr John Westlake. 4 Keymer Road has also recently been granted planning permission for a loft conversion and rear dormer window (BH2020/03668), under the name of Mr Westlake. I therefore do not know why there has been a change of name for this application, other than perhaps trying to obscure the owner's involvement in yet another application.

It is also worth noting that the current plans for the extension to 4 Keymer Road do not include the new loft conversion and dormer. This loft conversion may be used to house further residents, adds to the bulky rear-view appearance of the current house, and potentially adds to the overcrowding of the area, so its exclusion from the plans is questionable.

#### **Issues with planning statement**

There are several issues with the planning statement.

Firstly, the plans provided do not give a very accurate impression of the impact the extension would have on neighbouring properties, and it must be questioned why these views were not included in the planning statement.

According to the plan in Figure 1 below, there seems ample space between the properties.



Fig. 1: plan of current dwelling at 4 Keymer Road (p.2 in Planning Statement)

However, when we see the actual view from the gardens of residences of Fernhurst Crescent, our impressions are significantly different.

The view from 85 Fernhurst Crescent clearly shows that the new extension would not only completely obscure their outlook of the South Downs, an important feature and a portion of the value of houses in this part of Brighton, but would also mean their house was overlooked by a number of new windows.



Fig 2: view from 85 Fernhurst Crescent

Figure 3 below shows that the view from 87 Fernhurst Crescent would also be completely lost. The washing line provides a useful guide for the potential roofline. Instead of having a very open and light aspect, key reasons for the resident acquiring this property, it would become overlooked and shaded.



Fig. 3: view from 87 Fernhurst Crescent

Secondly, the planning statement makes several unreliable statements.

First:

“In the background you can see the properties on Fernhurst Crescent located on significantly higher ground beyond.” (p.2)

No photos are provided from Fernhurst Crescent because the Crescent is not significantly higher. As can be seen from Figures 2 and 3 above, residents' views would be completely obscured by the extended roof of the extension, despite the drop in the roofline. The gardens of both 85 and 87 Fernhurst Crescent are significantly lower than the front entrance from Fernhurst Crescent, so 4 Keymer Road and its extension would in fact tower over the gardens, as can be seen from Fig. 4 below.





Fig 4.: view from garden level of 85 Fernhurst Crescent

Second, the planning statement states on page 4:

“We have used proportion and massing techniques to comprehensively address the scale and bulk concerns raised with the previous planning proposal.”

If we examine the plans and the photograph of the current property, you will note that although the extension’s roof will be sloping, the current house’s sloping roof will be extended and its slope lost, thus not actually reducing the bulk, obscuring the views of houses behind. The new dormer will also add bulk to the roof from the rear view. The new roof is also only minimally lower than the current roof.

As can be seen from Fig 5 below, from pavement level, because the current property, 2 and 4 Keymer Road, are significantly higher than pavement level, the facade is very imposing and bulky. The extension, turning the property into a terrace, will only make it more so.



Fig. 5: view of Keymer Road from pavement level.

The design given in the Planning Statement (see Fig. 6) does not accurately portray the impact of the house and extension from pavement level. Most dwellings in this area are semi-detached; this would be a terraced house of considerable bulk looking down onto the pavement. The view from Figure 6 is straight-on, and thus misleading.



Fig. 6: plans of extension from Keymer Road

Third, the application states that the new application is “noticeably smaller” (p.5). While it may be minimally less wide (6100mm wide (the previous scheme measured 7450mm – so a reduction of 1350mm)), it is actually deeper, and thus closer to properties in Fernhurst Crescent. In reality, this is still a house for potentially 4 people, so the size of the property does not in any way address serious issues with parking, overpopulation with its resulting noise issues, and the reduction of the garden.

Fourth, the statement notes that:

“Particular attention has been paid in the proposal to secure cycle storage so that the household will be encouraged to participate in this sustainable mode of transport.”

In what way will residents of this property be compelled to use bicycles? I very much doubt any owner of a property of this size will rely simply on bicycles in Hollingbury considering the significant hills, inclement weather close to the South Downs, and the fact that everyone else in the area relies on cars. Why would these residents be any different? They will not.

Fifth, the planning officer’s report (BH2017/02490) for the previous application stated,

“The applicant has proposed cycle parking in the rear garden. This is considered convenient due to the access at the side of the building. Full details of the proposed store could be secured by condition. The application does not include off street parking. This is considered acceptable given the unrestricted on-street provision.”

How can the on-street parking provision be considered ‘unrestricted’? Parking is extremely limited in this area (see Fig.7 below). The new property, housing potentially four adults, could result in another four cars in this area, plus potential for an increase in visitors.



Fig. 7: parking on Keymer Road

Parking is a very serious concern in this area. Importantly, recent developments in Patcham & Hollingbury Ward have been approved only after they included significant increase in off-road parking, for example BH2020/01860 2 Winfield Avenue Brighton BN1 8QH, which now provides six off-road parking places for four houses when the previous plan for that site was for two parking places for five houses. There is no reason why this application should also not be required to supply off-road parking.

I am also very surprised by the Sustainable Transport Comment (BH2017/02490) for the previous application:

“The applicant is not proposing any changes to (the non-existent) vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable. ...the proposed level of car parking (zero spaces) is in line with the maximum standards and is therefore considered acceptable in this case. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.”

The above statement has led to the current application stating:

“An important point to reiterate regarding access is the wider picture that this site is located in a highly sustainable and accessible location. It is within easy walking distance of local shops, schools and healthcare facilities, and is close to local bus routes providing regular services into Brighton and Hove City Centre.” (p.6)

The only local school is Carden Primary School. If any of the occupants are secondary school children, they may be able to walk to Patcham High, but they would not be guaranteed this school, and if selected for a different school would need to use either a bus or, more likely, a car. Disappointingly, this proposed residence is clearly not intended for disabled or infirm residents, who would find the steep incline, and lack of car space,



prohibitive. With potentially four more adults living in this property, the impact on the carriageway would clearly be significant.

Six, the planning statement also notes:

An area we felt we could improve on with this scheme was bio-diversity. We have carefully incorporated natural habitats into the scheme. This includes the proposed use of native planting, planting of wild flowers and the provision of bird boxes and bee hotels within the garden to encourage wildlife to the site. Please refer to the proposed site plan for further details. (p.6)

This biodiversity statement seems at odds with the significant reduction in the size of the garden, which surely affects the biodiversity of the area. The current owner has done nothing to enhance the biodiversity of the property (see Fig. 8), so there is nothing to suggest any of these biodiversity plans would actually be implemented, and equally important, maintained. This house is after all being rented out, so any maintenance would be the concern of renters.



Fig. 8: the garden of 4 Keymer Road, exhibiting no enthusiasm for biodiversity

The plans also suggest 'taller species' of plant may be provided on the boundary with 87 Fernhurst Crescent (see Fig. 9 below). If these were trees, these would further obscure and darken the latter's outlook.

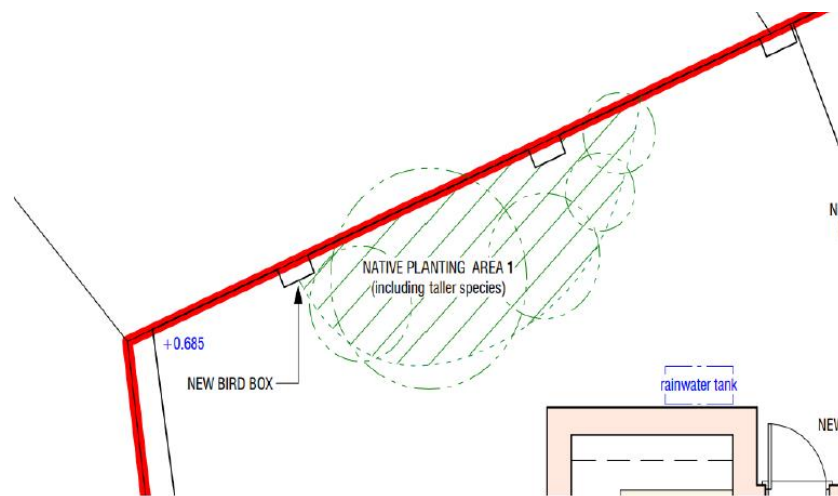


Fig. 9: plans of garden

Seven, the planning statement claims that the proposed development would not affect the views from neighbouring properties. However, the photo used (see Fig. 10 below) is taken not from the actual view from the residents' houses, but from a significant height above parked vehicles, giving a very inaccurate portrayal of the significant visual harm the extension would cause.



Street view of the gap between 89 and 87 Fernhurst cres showing the distant perspective view.

It's worth noting that the proposed development is set down so much lower than this that it doesn't register from this location.

Fig 10: the view provided by the Planning Statement (p.9).

Eight, the Planning Statements refers to the appeal decision APP/Q1445/W/18/3192649 (1-3 Ellen Street Hove), where, on 24th January 2019, the inspector said:

“The main parties agreed at the Hearing that the Council cannot demonstrate a five-year housing land supply. In such circumstances, the Framework’s presumption in favour of sustainable development is engaged. This states that where policies which are most important for determining applications are out of date, which is the case here by reason of the absence of a five-year housing land supply, planning permission should be granted for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.” (p.10)

However, on p.164 of City Plan Part 2, it is stated

;#

#



“3.49 Policy CP1 Housing Delivery in City Plan Part One sets out the city’s housing target of 13,200 new homes over the Plan period to 2030 and states that additional sites will be allocated in Part 2 of the Plan to help ensure housing delivery is maintained over the plan period.”

Many sites across the city have been earmarked for hundreds of homes. Whether this is over a 5-year period or not, ample housing is in the pipeline. The 2 bedrooms of this proposal will make no material impact on housing targets, and would demonstrably impact neighbours outweighing any advantage of the extra rooms.

The planning statement also mentions this is a ‘windfall site’ (p.11). However, as my predecessors, Cllrs Wares and Theobald have previously pointed out, windfall sites are locations that normally comprise previously-developed sites that have unexpectedly become available ([Glossary | Planning Portal](#)). The garden has never been previously developed, and has not unexpectedly become available.#

#### **Setting a precedence**

Contrary to the planning statement’s assertion that

“The design of this new dwelling...will make a small but positive contribution to the area both visually and environmentally.”,

this proposal would significantly negatively affect the residents immediately behind in Fernhurst Crescent by irretrievably destroying their views of the South Downs, and reducing their light levels; would undoubtedly exacerbate the problem of off-street parking; would undoubtedly increase noise levels in the area by adding a significant number of new residents to this quiet community; and would not in any way be guaranteed to improve biodiversity, 1) because the garden is being reduced in size, and 2) it would require maintenance by tenants.

This plan, were it to be approved, would set a dangerous precedent for a number of reasons. Not only would it encourage more developments in gardens in an area popular for its large plots and rural character, but would lead to overpopulation, the significant loss of privacy for residents, and the destruction of outstanding views of the South Downs, a notable feature of Hollingbury.

As can be seen from Figure 11 below, the current garden at 4 Keymer Road is not any larger than surrounding properties. The large plots are an essential feature of the desirability of the area.

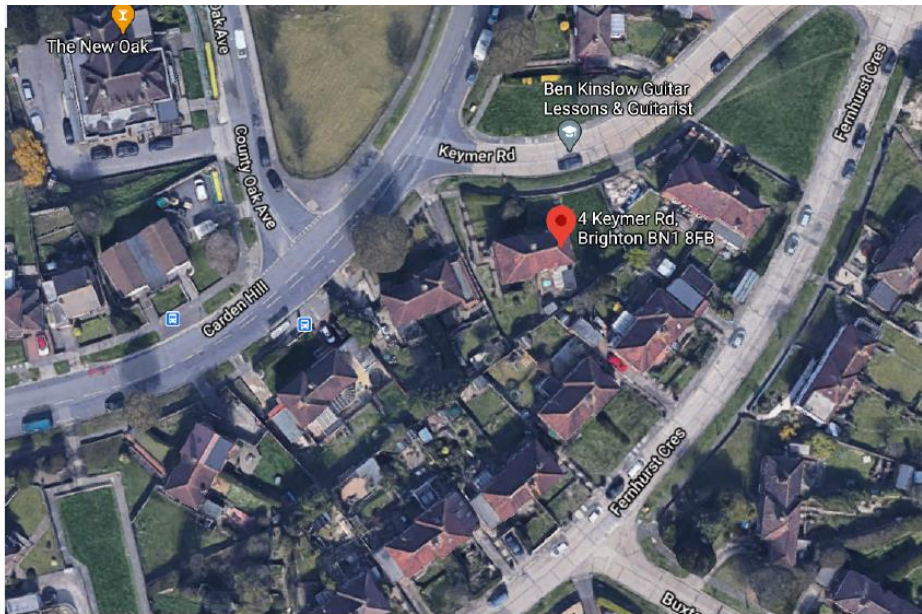


Fig. 11: Google Map of Hollingbury

It would also enable applications which do not provide for parking – indeed, it would encourage the removal of parking spaces in an area which already lacks spaces. This lack of parking provision already provides significant difficulties for local buses and visitors to the area. The Big Lemon Bus uses Keymer Road, and route 46 uses nearby roads, and both frequently have difficulties passing parked cars. These plans would have a significant and lasting detrimental effect on resident harmony, and the character and appearance of the neighbourhood.

In particular, this proposed extension would have a very detrimental effect on immediate neighbours. A few other houses in the area have been extended, but their extensions have not infringed on the views of their neighbours in any way. This proposal would completely remove the views from 85 and 87 Fernhurst Crescent, create a significant issue with shading, loss of privacy and loss of the financial and personal value the houses have to their owners. Such a peculiar infringement on neighbouring properties and lives should not be allowed to succeed.

I am of the opinion that the proposal would be contrary to Brighton and Hove City Plan Part One Policies CP12 (Urban Design) and CP14 (Housing Density), and policy QD 27 (Protection of Amenity) of Brighton and Hove Local Plan.

Should the Local Planning Authority consider granting this application, I request that it is brought to Planning Committee for determination where I reserve my right to speak to my letter and the application.

Kind regards

Cllr Alistair McNair

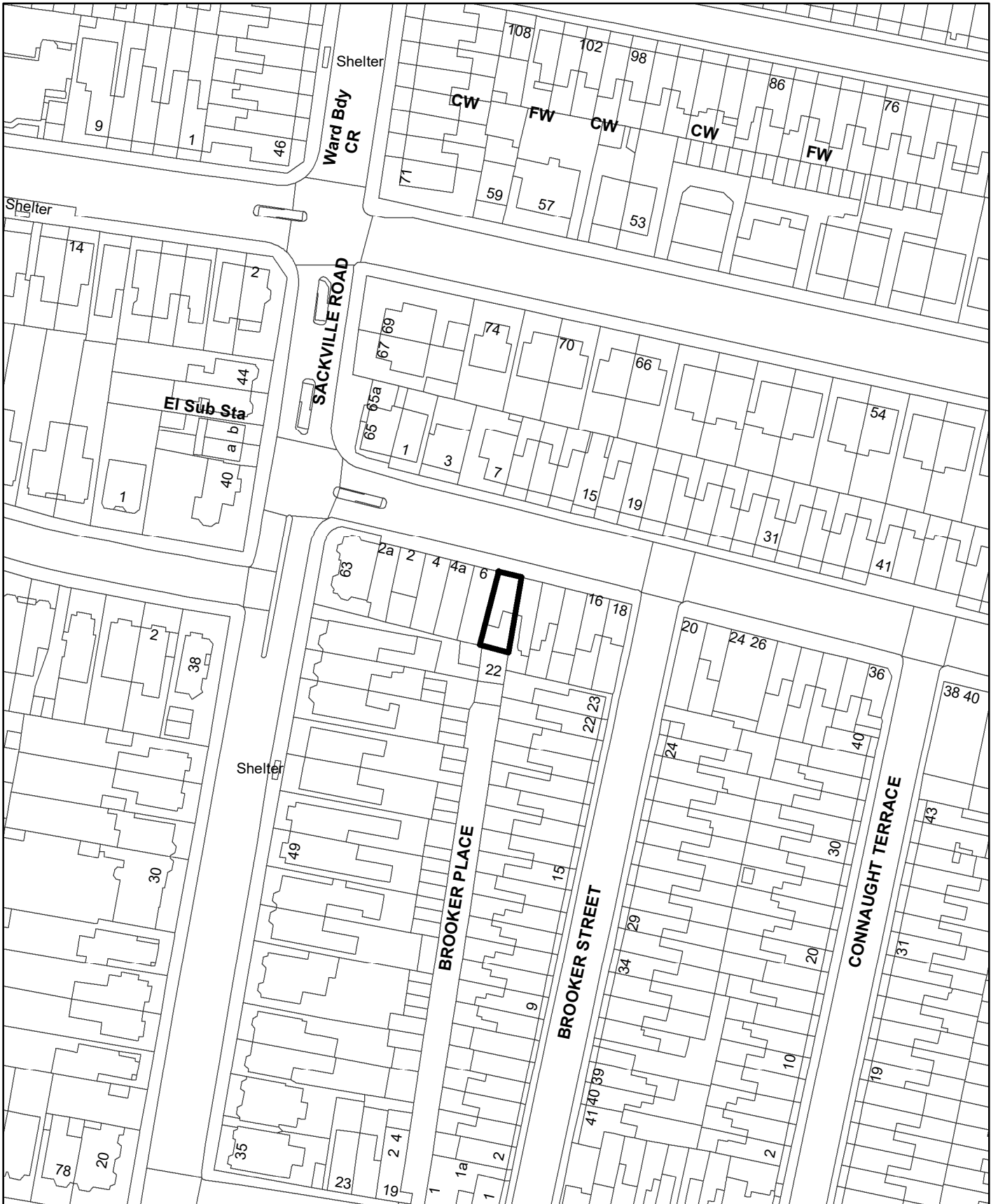
# **ITEM G**

**8 Blatchington Road  
BH2021/01750  
Prior Approval Retail / Bank to Dwelling**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**



# BH2021 01750 - 8 Blatchington Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/01750</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Prior Approval Retail/Bank to Dwelling</b>		
<b><u>Address:</u></b>	<b>8 Blatchington Road Hove BN3 3YN</b>		
<b><u>Proposal:</u></b>	<b>Prior approval for change of use of ground floor and basement retail unit (A1) to two bedroom maisonette (C3) with associated alterations to shopfront and rear fenestration.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	11.05.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	06.07.2021
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	Whaleback Planning And Design	The Old Bank	257 New Church Road Hove BN3 4EE
<b><u>Applicant:</u></b>	Setec Astronomy Ltd	C/o Whaleback Planning And 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 **GIVE** prior approval for the development and the following Conditions and Informatives as set out hereunder.

### Conditions:

1. Development under Class M is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.  
**Reason:** To comply with Condition M.2(3)(a) of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. Development under Class M is permitted subject to the condition that a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.  
**Reason:** To comply with Condition M.2(3)(b) of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	7081/010		11 May 2021

Proposed Drawing	7081/020		11 May 2021
Proposed Drawing	7081/021		11 May 2021

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site comprises a two-storey terraced-over-basement property on the southern side of Blatchington Road, the ground floor of which is currently a vacant shop unit with ancillary basement areas. The first floor is in residential use. The site is not listed, and it is not within a conservation area, although it is noted that it is adjacent to the Old Hove Conservation Area. It is also noted that there are no Article 4 Directions covering the site that would restrict this change or use or external alterations.
- 2.2. The application seeks prior approval under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 2.3. The application seeks to establish whether prior approval is required for development consisting of a change of use of the ground and basement floors of 8 Blatchington Road from a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule, and building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. This application proposes the provision of a studio flat.
- 2.4. The application seeks to establish whether prior approval is required for the change of use from retail or bank use to a dwelling in respect of:
- (a) transport and highways impact of the development,
  - (b) contamination risks in relation to the building,
  - (c) flooding risks in relation to the building,
  - (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -
    - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, A2 (financial and professional services) or Class A5 (hot-food takeaways) of that Schedule or as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or
    - ii. where the building is located in a key shopping area, on the sustainability of that shopping area; and
  - (e) the design or external appearance of the building, and



- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

2.5. Although Prior Approval applications are not usually subject to being heard at Planning Committee, the applicant for this scheme is a company which a councillor (who is not a Planning Committee member) is a director of. Therefore, to ensure that a transparent decision is made, the application is being put before the Planning Committee.

### 3. RELEVANT HISTORY

None

### 4. REPRESENTATIONS

4.1. Twenty (20) letters have been received from supporting the proposed development for the following reasons:

- Efficient use of building and improvement of the street
- Residential Amenity
- Contributes to housing stock
- Good design
- Shop has been vacant for some time
- Restore balance between residential and retail
- Good for character and appearance
- Enough retail space elsewhere on Blatchington road and locally
- Removal of adult shop
- Positive change and investment
- Restoring concealed features

### 5. CONSULTATIONS

5.1. **Sustainable Transport:** Unable to recommend approval  
The site is located within CPZ N which has an uptake of 97% (based on the last 12 months of available data) so is considered overcapacity. It is noted that no car parking is provided and therefore the Local Highway Authority requests that as per SPD14 surveys are submitted to demonstrate that there is not parking stress in the area.

5.2. No cycle parking is proposed for the residential use, however as the site is constrained this is not requested. It is however noted there may be space within the basement to store cycles should future occupiers wish to; however, this is not policy compliant so will not be insisted upon.

5.3. Overall trips to and from the site are likely to be lower than the existing retail use therefore it is not expected that the development will increase pressure on the transport network.

5.4. **Environmental Health:** No comment received

## 6. **POLICIES**

The National Planning Policy Framework (NPPF)

## 7. **CONSIDERATIONS & ASSESSMENT**

7.1. This application seeks prior approval for the proposed development. The determining issues in consideration of this application are in respect of the:

- (a) transport and highways impact of the development,
- (b) contamination risks in relation to the building,
- (c) flooding risks in relation to the building,
- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -
  - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, A2 (financial and professional services) or Class A5 (hot-food takeaways) of that Schedule or as the case may be, a building used as a laundrette, but only where there is a reasonable prospect of the building being used to provide such services, or
  - ii. where the building is located in a key shopping area, on the sustainability of that shopping area; and
- (e) the design or external appearance of the building, and
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

7.2. Regard is also given to the NPPF as if the application were a planning application.

7.3. Article 3. paragraph 9(A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO") provides that permitted development rights do not apply where a new dwellinghouse is proposed and the gross internal floor area of that dwellinghouse would be less than 37 square metres in size or where the new dwellinghouse would not comply with the nationally described space standard (NDSS).

7.4. In this instance, a two-bedroom dwelling is proposed over two floors and would have two bedrooms, providing three bedspaces. The NDSS minimum for this size development is 70sqm and this development would provide an overall floor area of 101.5sqm. The double bedroom exceeds the minimum of 11.5sqm and the single bedroom is more than the 7.5sqm required. The overall

layout is considered reasonable with good circulation space and access to natural light and ventilation in all habitable rooms.

**Class M Restrictions:**

- 7.5. *M.1 Development is not permitted by Class M if—*
- (a) *the building was not used for one of the uses referred to in Class M(a)—*
    - (i) *on 20th March 2013, or*
    - (ii) *in the case of a building which was in use before that date but was not in use on that date, when it was last in use;*

This shop unit is currently vacant. The planning statement states that the building is lawfully in A1 use and was in use as a retail store 20th March 2013.

- 7.6. The assertion that the building is in A1 use and was on 20th March 2013 is supported by Council records. Business rate records show that the use of the premises has been as a retail unit, furthermore there are other records recording licences for the sale of adult goods from the site, further supporting the retail use. This demonstrates that on the balance of probability, the unit was in use on 20th March 2013 in one of the uses referred to in Class M(a). Officers are not aware that it has been in use by any other business operating outside of Class A1.

- 7.7. (b) *permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;*

Permission to use the building for a retail use has not been granted by Part 3, Schedule 2 of the GPDO 2015 (as amended).

- 7.8. (c) *the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;*

There has not been any previous development under Class M to this building.

- 7.9. (d) *the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;*

The cumulative floor space of the existing building changing use under Class M would be 101.5 sqm, less than the maximum permitted of 150 sqm.

- 7.10. (e) *the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;*

The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

- 7.11. (f) *the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or*

The development does not consist of any demolition.

- 7.12. (g) *the building is—*
- (i) *on article 2(3) land;*
  - (ii) *in a site of special scientific interest;*
  - (iii) *in a safety hazard area;*
  - (iv) *in a military explosives storage area;*
  - (v) *a listed building; or*
  - (vi) *a scheduled monument.*

The building does not form part of any of the designations mentioned in restriction (g).

- 7.13. The provisions of Conditions M.2 of Class M state at (3):  
*"Development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date; and a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse".* Approval would therefore be subject to these conditions.

Transport and highway impacts of the development

- 7.14. Blatchington Road is a sustainable location for residential development. Although this development represents a loss of a retail use there is still good availability of goods and services within walking distance of the site and amenities that are further afield could be easily accessed by cycling or the good bus links that facilitate travel out to the west or back to the centre of the city in the east. A resident would not need to rely on a car to carry out daily life. It is noted that Blatchington Road is served by buses that will take you across the city and that Hove Railway Station is a short walk away to the north of the site.
- 7.15. The proposed change of use would not have a significant impact on the local highway network, and in fact there may even be a drop in the frequency of comings and goings to the site as a result of the change from retail to residential use. The proposed residential unit does have a rear garden, but it would be awkward to access through the proposed dwelling and requiring navigating steps whilst carrying a bicycle. This would not be policy complaint cycle parking so would not be insisted upon.
- 7.16. It is noted that concerns have been raised in relation to the potential for an uplift in parking demand as there is no off-street car parking for the proposal. However, the site lies within a CPZ so any demand for additional on street parking will be managed through the CPZ management system. While the Highways team have requested additional information in the form of parking surveys it is not considered reasonable when the CPZ mechanism can control on-street parking.

Contamination risks on the site:

- 7.17. No contamination risks have been identified.

Flooding risks on the site:

- 7.18. The site is in Flood Zone 1, so not considered at high risk from flooding.

Retail Issues - Provision of Services:

- 7.19. Blatchington Road does have commercial character to it, but this is intermixed with residential. The main concentration of commercial uses in this end of the road is at the junction of Goldstone Villas and George Street (part of the primary frontage of the shopping area). The application site is sufficiently distanced from the primary frontage as to not be considered to undermine retail character.

- 7.20. Specific Local Plan policies are directly not relevant to the consideration of this prior approval application. The prior approval 'test' is whether the loss of the retail use would impact on the sustainability of the shopping area.

- 7.21. The loss of this retail unit (now Class E, formerly A1) would not impact of the provision of services locally. It is noted that there are other shops along Blatchington Road and in neighbouring George Street which would allow for daily shopping. It is further noted that there is a Tesco superstore within easy reach of the site. As a result, the loss does not create a significant void in availability to easily access goods and services usually provided by A1 uses. Therefore, prior approval should not be restricted owing to a lack of retail availability or the loss of this unit.

Design/Appearance:

- 7.22. Minor alterations to the front and rear elevations are included. At the front the shopfront will be altered to accommodate a small rise in the stall riser height and adjusting the shop window which would serve the main living area. The alterations also include uncovering the currently boxed in stain glass windows above the main shop window which would add visual interest and improve the character and appearance of the property within the street. The modest alterations would still allow the previous retail use of the building to be read within the streetscene.

- 7.23. At the rear there are further minor fenestration alterations. At basement level the opening on the rear wall is extended to accommodate folding doors to the double bedroom and at ground floor the partially covered up sash window will be replaced with a new full-size sash window and a window on the ground floor outrigger would be unblocked. These alterations are consistent with the proposed residential use and would not be objectionable in design terms.

Provision of natural light to all habitable rooms:

- 7.24. Paragraph W, the procedure for applications for prior approval under Part 3, states that the application must be accompanied by "*a floor plan indicating the*

*dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses" and (2A) of the same outlines that "Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses".*

- 7.25. In this case, the proposed two-bedroom dwelling would retain the large shopfront window and incorporate some revised fenestration at the rear, comprising of the opening up of some ground floor windows and new folding doors at basement level out to the garden. This gives ample natural light. As there are no internal walls, good levels of natural light could be obtained throughout the residence. Therefore, in terms of natural light, the ample glazing to the front elevation and rear elevations would provide sufficient natural light to the proposed dwelling.

**Conclusion:**

- 7.26. On the basis of the above, the proposal is considered to accord with the requirements of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) so prior approval can be given.

# **ITEM H**

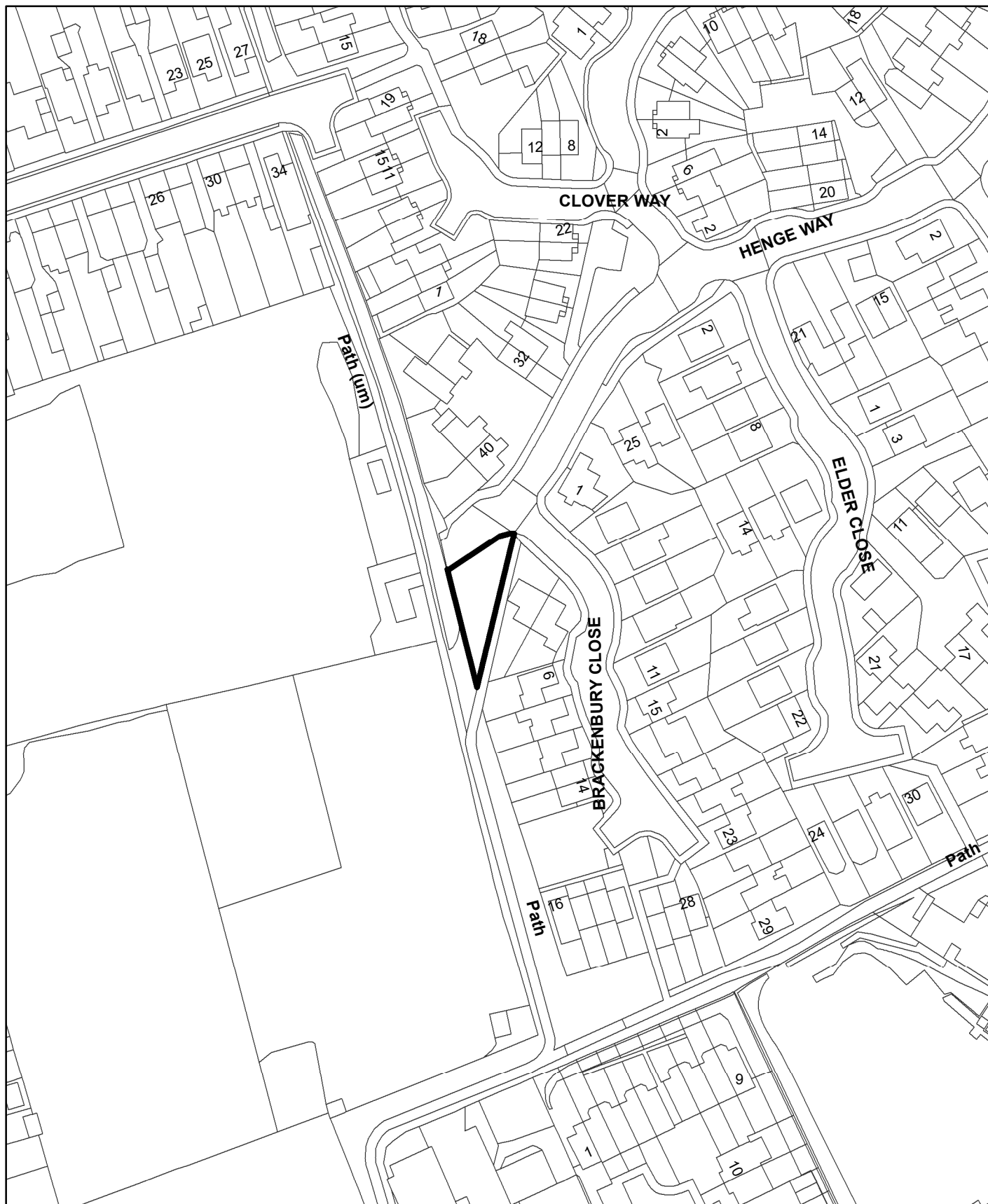
**Henge Way, Portslade  
BH2021/01453  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**





# BH2021 01453 - Henge Way, Portslade



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/01453</b>	<b><u>Ward:</u></b>	<b>North Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Henge Way Portslade BN41 2ES</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 4 of application BH2019/01409 (Erection of two storey dwellinghouse (C3), with hardstanding and creation of vehicle crossover) (allowed on appeal) to permit changes to previously approved external materials.</b>		
<b><u>Officer:</u></b>	<b>Sven Rufus, tel: 292454</b>	<b><u>Valid Date:</u></b>	<b>22.04.2021</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>17.06.2021</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Mel Humphrey RICS C.Build E MCABE 39 Northease Drive Hove BN3 8PQ</b>		
<b><u>Applicant:</u></b>	<b>Ms Yasemin Genc Plot - South Of Henge Way Portslade BN41 2ES</b>		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	1190/P/2A		13 May 2019
Proposed Drawing	1190/P/3A		13 May 2019
Proposed Drawing	1190/B/1B		13 May 2019
Proposed Drawing	1190/P/1A		13 May 2019
Proposed Drawing	1190/SV/1		13 May 2019
Location Plan	1190/L/1		13 May 2019
Proposed Drawing	2020/173		22 April 2021

2. Unused - development commenced
3. Cycle storage should be provided in accordance with the details approved under BH2021/00240
4. Materials used in the development to comply with the details approved under BH2021/00240, excluding the roof tiles and windows which are subject to a separate decision.

5. The development hereby approved shall not be occupied until a bee brick has been incorporated within an external wall of the development hereby approved. This shall be in accordance with details submitted to and approved in writing by the local planning authority. Once installed, the bee brick shall be retained thereafter.
6. The new dwelling hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
7. Tree protection measures shall be provided in accordance with the details approved under BH2021/00240.
8. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for their intended use at all times.
9. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
10. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to enhance the ecology of the site. The approved landscaping scheme 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 specified within this landscaping statement 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.
11. All windows on the first floor, east facing elevation of the building facing No.2 Brackenbury Close (as visible in the elevation entitled 'to pathway (E)' on plan numbered 1190/P/3A, including those that may be inserted in the void area

above the rear bay), shall be made of obscure glass. Details of the obscure glazing used, together with any opening mechanism incorporated into the design of the windows, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details. No part of the development hereby approved shall be occupied until the windows are installed in accordance with the details approved under the terms of this condition. Once installed, the windows should be retained as approved for the lifetime of the development.

12. The development hereby permitted shall not be occupied until the new crossover and vehicular and pedestrian access to the site, as shown on the approved plans, has been constructed in accordance with detailed drawings that shall be submitted to and approved in writing by the Local Planning Authority. These detailed plans must demonstrate that there is an appropriate level of visibility towards pedestrians entering and leaving the footpath on the eastern boundary of the site, when vehicles enter and leave the site. Once built, the access must be retained as approved for the lifetime of the 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 a vacant, triangular-shaped plot of land west of 2 Brackenbury Close. There is a sealed footpath to the south and west (rear) of the site, and Henge Way bounds the site to the north. Beyond the footpath to the rear are open fields.

## 3. RELEVANT HISTORY

- 3.1. **BH2021/00240** : Application for Approval of Details Reserved by Conditions 3 (cycle parking), 4 (materials), and 7 (tree protection) of application BH2019/01409 (approved on appeal). Approved 15/3/21
- 3.2. **BH2019/01409** : Erection of two storey dwellinghouse (C3), with hardstanding and creation of vehicle crossover. Refused 26/11/19, allowed on appeal 11/9/20
- 3.3. **BH2018/01407** : Erection of 1no two bedroom dwelling house (C3) incorporating vehicle crossover. Refused 22/6/18
- 3.4. **BH2017/03810** : Erection of 1no. two bedroom dwelling house (C3) incorporating vehicle crossover. Refused 07/02/18

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission was given, on appeal, for the erection of 1 no. two-bedroom dwellinghouse incorporating vehicle crossover and associated alterations, along with planting, parking for 1 no. vehicle and cycle parking. The dwelling approved is a dormer bungalow with living area on the ground floor and two bedrooms on the first floor. Works have commenced on site, with site clearance, and foundations built.
- 4.2. This application seeks to vary the approved materials from stained timber window/door frames to grey uPVC; and from concrete dark red roof tiles to a smooth grey tile.

#### **5. REPRESENTATIONS**

- 5.1. **Eight (8) objections** have been received from seven neighbours, raising the following concerns:
- Out of character with the area.
  - Poor design

#### **6. CONSULTATIONS**

None

#### **7. MATERIAL CONSIDERATIONS**

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

#### **8. POLICIES**

The National Planning Policy Framework (NPPF)

### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

### 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  
DM22 - Landscape Design and Trees  
DM33 - Safe, Sustainable and Active Travel  
DM35 - Travel Plans and Transport Assessments  
DM37 - Green Infrastructure and Nature Conservation  
DM40 - Protection of the Environment and Health - Pollution and Nuisance

### Supplementary Planning Documents:

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

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The sole consideration in the determination of this application relate to the visual impact of the proposed amendments to materials approved under

BH2021/00240. The principle of the approved development cannot be considered.

- 9.2. The applicant discharged condition 4 relating to materials on the 15th March 2021 (ref. BH2021/00240). The approval given then was to confirm that the materials proposed for use within the development were appropriate and matched those as set out in the approved scheme. The materials approved under BH2021/00240 were Ibstock Cavendish bricks, Plain Concrete Dark Red roof tiles and stained timber window frames.
- 9.3. This application proposes varying the roof tiles and windows to a smooth grey roof tile, and anthracite grey uPVC windows and doors.
- 9.4. Varying planning permissions is possible under Section 73 of the Town and Country Planning Act (1990) (as amended). In considering whether to approve a variation of an already approved scheme, the local planning authority should assess whether the proposed changes would of themselves result in a harmful development. Furthermore, the NPPF advises in paragraph 130 that:  
*"Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme"*
- 9.5. The greatest impact from the proposed changes would result from the amended tiles as this would be the most visible part of the development. While there are many dwellings with red roof tiles, as approved for this scheme, there is a variation in colours in the local area, either by design or due to weathering of the existing tiles.
- 9.6. It is also worth noting that the design of the building is distinct from that of other properties in the area, so regardless of the colour of tiles and windows used in the development, the property will always differ in appearance from those closest to it. Furthermore, the setting of the property is on a parcel of land not contiguous with any of the other estate developments in the area, and so by virtue of its setting would not be in direct contact with existing properties.
- 9.7. In this context, while the tiles proposed in this variation may differ from some nearby houses, it is not considered that they would inherently be out of character with the area or appearance of the building, and would not result in a scheme where the quality of the design is materially diminished.
- 9.8. The proposed changes to the window material would have less of an impact than the roof tiles as they would be visible from a much-reduced area, in the immediate vicinity of the house. Neighbour comments on this application highlighted that the proposed material was not one that is used in any of the nearby dwellings, but also set out a range of different material finishes for windows already existing in the area. It is notable that the houses immediately next to the application site have both white and brown uPVC windows/doors, so there is no strict consistency that this scheme would depart from. As with the consideration given for the proposed variation to the roof tiles, it is important to note that the setting of the building does not place it in a directly comparable



position with any of the other dwellings nearby. Further, the variation in styles and materials in the immediate area is such that the scheme would not be out of place with its setting.

9.9. On this basis, it is considered that the proposed variation to the windows would not inherently be out of character with the area or appearance of the building, and would not result in a scheme where the quality of the design is materially diminished.

9.10. **Revised Conditions**

- Condition 1: Amended to reflect revised plans submitted for this application
- Condition 2: Removed as permission given under BH2019/01409 has already been commenced.
- Condition 3: Amended to state: "Cycle storage should be provided in accordance with the details approved under BH2021/00240."
- Condition 4: Amended to state: "Materials used in the development to comply with the details approved under BH2021/00240, excluding the roof tiles and windows which are subject to a separate decision."
- Condition 5: Unchanged
- Condition 6: Unchanged
- Condition 7: Amended to state: "Tree protection measures shall be provided in accordance with the details approved under BH2021/00240."
- Condition 8: Unchanged
- Condition 9: Unchanged
- Condition 10: Unchanged
- Condition 11: Unchanged
- Condition 12: Unchanged

**10. EQUALITIES**

10.1. None identified for the current application. The original application included a condition (Condition 6) that remains unchanged in this permission, and requires that the development be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and be retained in compliance with such requirement thereafter.



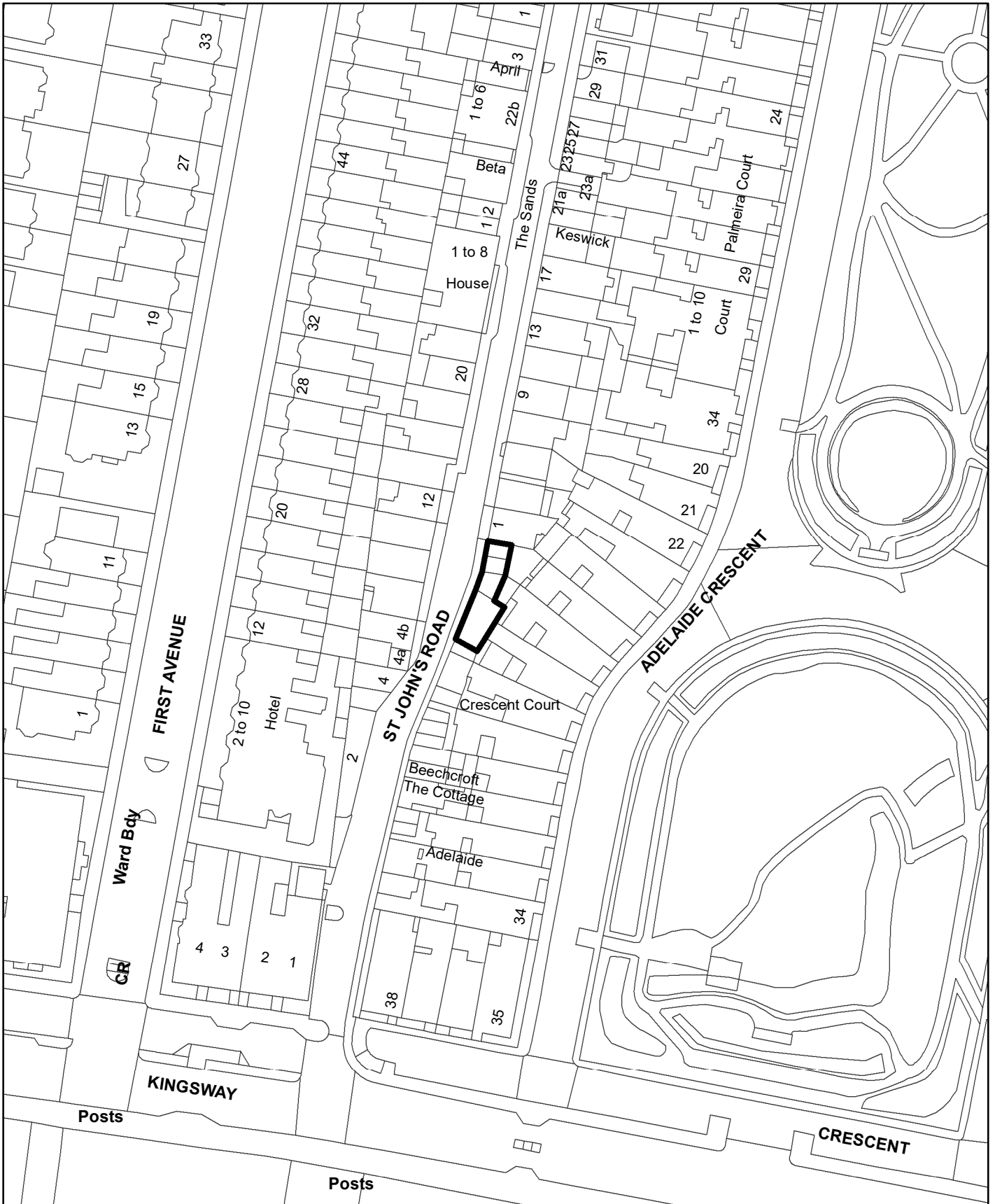
# **ITEM I**

**Garages Opposite 6-10 St Johns Road  
BH2021/01163  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**



# BH2021 01163 - Garages Opposite 6-10 St Johns Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/01163</b>	<b><u>Ward:</u></b>	<b>South Portslade</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Garages Opposite 6-10 St Johns Road Hove BN3 2FB</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garages (Sui Generis) and erection of a two storey building to form 4no. residential flats (C3).</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	31.03.2021
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	26.05.2021
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u> 02.06.2021</b>		
<b><u>Agent:</u></b>	Ms Julia Mitchell Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	SRH (Hove) Ltd C/o Lewis And Co Planning SE Ltd		

## 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 as set out hereunder.

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	TA 1213 /01		31 March 2021
Proposed Drawing	TA 1213 /10	A	10 June 2021
Proposed Drawing	TA 1213 /11	A	10 June 2021
Proposed Drawing	TA 1213 /12	A	10 June 2021
Proposed Drawing	TA 1213 /13	A	15 June 2021
Proposed Drawing	TA 1213 /15	A	10 June 2021
Proposed Drawing	TA 1213 /16	A	10 June 2021
Proposed Drawing	TA 1213 /17	A	10 June 2021
Proposed Drawing	TA 1213 /18	A	10 June 2021
Proposed Drawing	TA 1213 /19	A	10 June 2021
Proposed Drawing	TA 1213 /20	A	10 June 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. All new render finishes shall be smooth, lime-based, wet render without external beads, stops, bell drips or expansion joints.

**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26 and DM29 of the emerging Brighton and Hove City Plan Part Two.

4. Apart from demolition, no construction works 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:
  - a) samples of the roofing materials;
  - b) a schedule of the proposed windows and doors (including 1:10 detailed elevations and sections, reveals, sills and lintels);
  - c) a product specification sheet for the hard surfacing, bollards and the studs or contrasting pavers to the front forecourt; and
  - d) samples of all other materials and finishes to be used externally.

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

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with Policies QD5 and HE6 of the Brighton & Hove Local Plan, CP12, CP14 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM26 and DM29 of the emerging Brighton and Hove City Plan Part Two.

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

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

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

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

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

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One, DM43 of the emerging Brighton and Hove City Plan Part Two and SPD16.

8. Access to the flat roof over the building hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.



9. No development shall take place until a scheme for protecting the dwellings hereby approved from noise generated by traffic or other external sources, including a noise impact assessment, has been submitted to, and approved in writing by the Local Planning Authority. The assessment shall be produced by a competent person (e.g. a member of the Institute of Acoustics). The assessment should inform a design a scheme that achieves acceptable internal noise levels in habitable rooms during the daytime and the night-time. All works that form part of the scheme shall be completed before the flats are occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post-construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00).  
**Reason:** To protect the amenity of future residents and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.
10. If relying on closed windows to meet the internal noise levels, appropriate alternative ventilation that does not compromise the facade insulation or increase internal noise levels shall be installed. If applicable, any room should have adequate ventilation e.g. trickle ventilators, (that should be open during any assessment). Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO2 under Approved Document F. Regard should also be had to draft guidance by Acoustic and Noise Consultants and CISSE TM59 Design Methodology for the Assessment of Overheating Risk in Homes.  
**Reason:** To protect the amenity of future residents and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.
11. 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 and DM44 of the emerging Brighton and Hove City Plan Part Two.
12. 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 and DM44 of the emerging Brighton and Hove City Plan Part Two.
13. No development, including demolition and excavation, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved

in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

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

14. If during demolition or construction, contamination, including asbestos, 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 prevent land contamination, To safeguard the health of future residents or occupiers of the site and ensure there is no risk to public health or water supplies in compliance with Policies SU9, SU11 and QD27 of the Brighton and Hove Local Plan and DM20, DM40 and DM41 of the emerging Brighton and Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under Condition 12 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is

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

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to four, modern, single storey garages and a double garage located on the eastern side of St Johns Road, opposite 6 - 10 St Johns Road, approximately 120m north of its junction with Kingsway (A259). The garages were constructed following bomb damage in the war and are currently used as general storage as well as for vehicles. The double garage was previously used in connection with a vehicle repair garage at 6-10 St Johns Road, but are now no longer associated.
- 2.2. The site is within the Brunswick Town Conservation Area and is subject to the Adelaide Crescent, Palmeira Square & Palmeira Mansions Article 4 direction, but does not contain a listed building, although it backs onto Grade II\* listed buildings (with attached walls and railings) on Adelaide Crescent. It is also within Controlled Parking Zone (CPZ) N.
- 2.3. Planning permission is sought for the demolition of the existing garages (Sui Generis – car parking) and the erection of a two storey building to form 4no. residential flats (Use Class C3). It follows the refusal of a similar, but larger application in 2020 (see below).

## 3. RELEVANT HISTORY

- 3.1. **BH2020/01432:** Demolition of existing garages (Sui Generis) and erection of a three storey building to form 4no residential flats (C3). Refused 30 July 2020 for the following reasons:
  1. The proposed development, by reason of its height, bulk, form, positioning, proximity to the shared boundary and window placement, would have an overbearing impact on occupiers of nos. 25, 26 and 27 Adelaide Crescent due to the combination of an oppressive increased sense of enclosure, loss of outlook, increased overshadowing and perception of overlooking. As such, the proposed development would be contrary to policy QD27 of the Brighton and Hove Local Plan.
  2. The proposed building, by reason of the combination of inappropriately narrow building widths, an alien roof form, and uncharacteristic detailing for the locality, would fail to pay sufficient respect to the prevailing character and appearance of the streetscene. For these reasons, the proposal represent a cramped and incongruous form of development that visually appears as an overdevelopment of the site. Furthermore, insufficient information has been submitted to form a full and proper assessment of the impact of the proposals on the special historic and

architectural character and significance of the adjacent Listed Buildings within Adelaide Crescent, their historic fabric or their setting. For these reasons, the proposed development [sic] would be contrary to policies HE1, HE3 and HE6 of the Brighton and Hove Local Plan and policy CP15 of the Brighton and Hove City Plan Part One.

- 3.2. **BH2009/02105**: Construction of two-storey B1 office following demolition of existing garages. Approved 25 March 2010
- 3.3. **BH2007/02257**: Construction of two-storey B1 offices following demolition of existing garages. Approved 25 February 2009
- 3.4. **BH2007/02213**: Conservation area Consent for the demolition of garages Approved 25 February 2009
- 3.5. Also of relevance:  
**BH2019/03295**: Erection of single storey extension at ground floor and single storey extension at first floor. Change of use of ground floor from car sales & workshop (Sui Generis) to office (B1), and residential (C3) with conversion of existing building to create 3no new dwellings. Erection of cycle store, creation of roof terrace, 1no car parking space and erection of bollards to forecourt. Approved 27 December 2019

#### 4. REPRESENTATIONS

- 4.1. **Ten (10) objections** and **one (1) comment**, eight (8) from properties directly affected, were received raising the following concerns:
  - No parking is proposed so presumably new residents will be using the sparse spaces at the end of the road as it is unrealistic to assume they won't have cars. They should not be able to apply for a residents permit.
  - St John's Road is already overloaded with traffic and parked cars and it is becoming ever more difficult to park in the area, especially due to the new cycle lane. The front patio area could be converted to parking.
  - Overdevelopment and oppressive
  - The sleeping areas should not be at kerbside level as the road is busy.
  - Non-retractable bollards or raised wall should be included in the design to prevent off-road parking.
  - It is unclear where the vehicles stored in the garages would be parked.
  - Any increase in height on this site would impede the outlook from the lower floors of the dwellings to the east, increasing the sense of enclosure.
  - The buildings should remain single storey and offer job opportunities.
  - Increased overshadowing and perception of overlooking
  - Significant reduction in daylight and sunlight to windows and gardens
  - Disregard for legal right of way for emergency escape from the back of Adelaide Apartments through existing garages, or access for fire brigade.
  - Preventing scaffolding erection to maintain the rear of the listed buildings.
  - No provision for rubbish bins.

- It is not in keeping with the character of the conservation area or the style of the existing buildings.
- Flat roofs will encourage seagulls to nest, creating noise, mess, etc.
- No ecological building methods, materials or renewable energy sources are incorporated.
- The title for the property contains a number of covenants that the proposed plans do not comply with.

## 5. CONSULTATIONS

### 5.1. **Conservation Advisory Group (CAG): Refusal**

- Despite the reduction to two storeys it is still considered unacceptable to partially obscure the rear of the Grade 2\* house in Adelaide Crescent.
- The existing rooflines on this side of St John's Road should be maintained in order not to harm the character of this part of the conservation area.

### 5.2. **Environmental Health: Recommend approval, subject to conditions (comments made on previous application, BH2020/01432)**

### 5.3. **Heritage: Approve with conditions**

### 5.4. **Southern Water:**

- A formal application for a connection to the public foul sewer is required to be made by the applicant or developer.
- The adequacy of the proposals to discharge surface water to the local watercourse should be commented upon by the Council's technical staff and the relevant authority for land drainage.
- A sewer now deemed to be public could be crossing the development site, and if it is found, its ownership should be ascertained before any further works commence.

### 5.5. **Transport (verbal): Recommend approval, subject to 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 Joint Area Action Plan (October 2019)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
 CP1 Housing delivery  
 CP8 Sustainable buildings  
 CP9 Sustainable transport  
 CP10 Biodiversity  
 CP12 Urban design  
 CP13 Public streets and spaces  
 CP14 Housing density  
 CP15 Heritage  
 CP19 Housing mix

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

TR7 Safe Development  
 TR14 Cycle access and parking  
 SU9 Pollution and nuisance control  
 SU10 Noise nuisance  
 SU11 Polluted land and buildings  
 QD5 Design - street frontages  
 QD15 Landscape design  
 QD27 Protection of amenity  
 HO5 Provision of private amenity space in residential development  
 HO13 Accessible housing and lifetime homes  
 HE3 Development affecting the setting of a listed building  
 HE6 Development within or affecting the setting of conservation areas  
 HE8 Demolition in conservation areas

#### 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 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

DM19 - Maximising Development Potential  
DM20 - Protection of Amenity  
DM22 - Landscape Design and Trees  
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  
DM41 - Polluted sites, hazardous substances & land stability  
DM43 - Sustainable Urban Drainage

Supplementary Planning Documents

SPD03 Construction and Demolition Waste  
SPD11 Nature Conservation and Development  
SPD14 Parking Standards  
SPD16 Sustainable Drainage

Other Documents

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

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development, density, the design of the proposal, landscaping and biodiversity, its impact on heritage assets, neighbouring amenity and on highways as well as the standard of accommodation created.

Officers undertook a site visit in relation to the present application following the protocols put in place due to COVID and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

**Principle of development:**

- 8.2. 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. The Council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 8.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.

- 8.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 8.5. 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).
- 8.6. The proposal counts as a small 'windfall site', bringing the benefit of providing four additional housing units to the city, which would therefore make a small, but important contribution towards the Council's housing target, given the importance of maximising the use of sites.
- 8.7. As a 'windfall site', Policy CP19 requires proposals to have considered housing mix and local assessments. Two of the dwellings proposed to be provided would have two bedrooms and the other two would have one bedroom (one of which would be a studio flat). Local assessments indicate that the greatest demand for market housing is for 2- and 3-bedroom properties (35% and 36% respectively). However, there is also a requirement for one-bedroom properties (a combined 24% of the overall need / demand for both market and affordable homes). Further, given that there is limited space to provide amenity areas or car parking spaces (hence none of the latter are proposed), the provision of smaller-sized dwellings on the site is considered appropriate.
- 8.8. Policy EM11 relates to mews properties and requires the retention of employment floorspace at ground floor level. However, greater weight is attached to City Plan Policy CP3 that protects unallocated employment sites, but only where they fall within B class uses, some of which now fall under Use Class E(g). Part 5 of this policy does not apply to Sui Generis uses such as these garages and, as such, there is no objection to the loss of these buildings, which no longer provide a means of employment in any case.
- 8.9. As such, the principle of development is considered acceptable. The acceptability or otherwise of the scheme is subject to the density, design, standard of accommodation, impact on neighbouring amenity and local highways network. This is discussed below.

**Density:**

- 8.10. City Plan Part 1 Policy CP14 outlines that residential development should be determined on a case-by-case basis. New residential development is expected to achieve a minimum net density of 50 dwellings per hectare (dph), provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the criteria within the policy can be satisfactorily met. However, a lower density will be accepted where it can be adequately demonstrated that the development would reflect the neighbourhood's positive characteristics, would meet the housing needs of a particular group or groups within the community and would better contribute towards creating a sustainable neighbourhood.



- 8.11. In this case, by virtue of falling within one of the central conservation areas, and acceptability in heritage terms being paramount, the density of this neighbourhood has not been calculated. The proposed development would have a density of 40 dph.
- 8.12. The positive characteristics of the Brunswick Town Conservation Area are the Regency and early Victorian planning and architecture, although the original character and appearance been diluted by commercial uses in the mews street, such as St Johns Road. More specifically, to the southern end of this road, extended views of the rear of the Grade II\* listed Adelaide Crescent are an interesting characteristic. By reason of being two storeys - or 6.95m - high and having a limited first floor footprint, the proposal would retain views of the listed buildings.
- 8.13. The proposal would meet the housing needs of small families, couples and individuals, in accordance with Policy CP14. In terms of maintaining a sustainable neighbourhood, the proposal would accord with Policy SA6 by providing environmentally sustainable new buildings, housing compliant with the nationally described space standards and by promoting healthier lifestyles through the provision of cycle parking spaces.
- 8.14. As such, the proposal would be compliant with NPPF paragraph 122 that supports development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.
- 8.15. It is therefore considered that the proposal is acceptable in terms of proposed density and broadly in compliance with Policy CP14.

**Design:**

- 8.16. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.17. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "*considerable importance and weight*".
- 8.18. The existing garages are considered not to make a positive contribution to the character and appearance of the conservation area, and therefore the proposal is considered to accord with Local Policy HE8 and emerging policy DM26 of City Plan Part 2 (which can be given significant weight), both of which seek to retain buildings, structures and features in conservation areas that do make a positive contribution in this regard. However, it is important in policy

terms that the proposal still preserves the area's character and produces substantial benefits.

- 8.19. As previously established, the original character and appearance of this conservation area been diluted by commercial uses in the mews street. It is, however, characterised by consistent plot widths, broad ground floor openings and smaller domestic scale first floor windows. The overall height of the proposed buildings step down from the parapet height of the building to the north (no. 1), thereby following the gentle slope of St Johns Road towards the south. The proposed elevational treatment in respect of the glazed juliette balconies and façade division also overcomes concerns about the narrow frontages. Whilst the vertical linking of the ground and first floor openings contrasts with the established buildings and therefore causes 'less than substantial harm' to the conservation area as per NPPF paragraph 196, this proposal responds well to established character and local context. Both of the aforementioned policies require a proposal to provide benefits to outweigh the harm caused and it is considered that four dwellings and new buildings of an improved design than the existing, optimising the use of the site, can be given significant weight in the decision-making process.
- 8.20. It is considered that no harmful impact is caused to the Grade II\* buildings to the east given the two storey height and the first floor footprint being less than that of the ground floor, set in by between 3m and 4.63m from the rear elevation building line as shown on the proposed plans.
- 8.21. In terms of materiality, white render is proposed, which is acceptable so long as it is lime based as opposed to through-colour. It is recommended that the appropriate render is secured by condition. An additional condition is recommended to be added in respect of the timber doors and windows, glass guarding to the juliette balcony, metal spandrel panels and rainwater goods, and the roofing materials (zinc or slate for the pitched section and a pebbled finish to the flat section). This would require details prior to commencement (excluding demolition).
- 8.22. As such, the application would be of a high standard of design and would comply with City Plan Part One Policies CP12, CP14 and CP15, Local Plan Policies QD5, HE3 and HE6, City Plan Part 2 policies DM26 and DM29, and paragraphs 127, 130 and 192 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area.

**Impact on Neighbouring Amenity:**

- 8.23. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.

- 8.24. The main impact of the proposals would be on 25, 26 and 27 Adelaide Crescent to the east (the rear of the site), as specified in the previous first reason for refusal.
- 8.25. The proposed building would abut / form the shared boundary with these properties on Adelaide Crescent. No. 25 features rear projections at one, two and four storeys. The single and the two storey projections would be between 5.3m and 8.6m from the proposed building (the curve of the road varies the separation distances). The four-storey rear projection is between 12.7m and 15.5m from the site. Windows facing the site are present at ground floor level and above. In between is external amenity space accessed via a bridge. No. 26 features similar additions. The single storey basement addition would be approx. 2.7m from the nearest part of the new building and the two-storey projection approx. 5.3m at the nearest point. The four-storey projection is 10.7m from the site. Again, there is external amenity space between these additions and the proposed building. No. 27 has a rear projection of two storeys in height in the northern part of the rear garden extending up to the application site and abutting the existing garage. This rear projection has three south facing windows. Adjoining this is a single storey addition which extends up to the existing garages. A four storey rear projection is separated from the site by approx. 7.5m. Adjacent to the single storey addition and the garages is external amenity space.
- 8.26. The proposed development would involve the second storeys being slightly set in from the rear elevation and then pitched away from the rear of the Adelaide Crescent properties. This would undoubtedly reduce the impact on the amenity of those properties, particularly when compared with the previous application. Whilst this would increase residents' sense of enclosure when using the external amenity spaces and the rooms with rear-facing windows, the scale of the development and its impact is not considered to be significantly adverse such that refusal is warranted.
- 8.27. It is noted that the applicant has submitted a Daylight, Sunlight & Overshadowing Report. Whilst the report concludes that, overall, the development enables good levels of daylight and sunlight to still be received by the majority of the rear windows of 24 - 27 Adelaide Crescent inclusive, it does highlight three ground floor windows that would suffer loss of sunlight (window numbers as specified in report):

26 Adelaide Crescent Windows 3 & 4

- 8.28. Both are north west-facing and although referred to as windows, 'window' 3 is an obscure glazed door providing access to the external amenity space. They would be affected in terms of their Vertical Sky Component (VSC), which is the amount of skylight that reaches the windows measured as a ratio of direct sky light that reaches a vertical plane to the amount of sky light that reaches the horizontal plane (i.e. the ground), although it is expressed as a percentage. For reference a VSC of above 27% should give reasonable daylight results and the maximum VSC that could be achieved for a completely unobstructed window is almost 40%. In this case, they would be reduced from a VSC of 30% for window 3 and 33% for window 4 to 23% and 25% respectively. The BRE

guidance states that a reduction to less than 27% VSC and less than 0.8 times its former value would mean that the residents are likely to notice the loss of sky light. As they serve the same room, which also has a south-facing window that would not be affected by the proposal, the impact upon it would be less harmful than had they been the only source of light.

#### 25 Adelaide Crescent Window 3

- 8.29. This is also north west-facing and it would be affected in terms of its Annual Probable Sunlight Hours (APSH). The BRE guidance states that a dwelling shall appear reasonably sunlit if the centre of a main living room window can receive 25% of APSH, including at least 5% of APSH in winter months between 21 September and 21 March. The impact may also be acceptable if the window receives more than 80% of its former sunlight hours during either period and it has a reduction in sunlight received over the whole year greater than 4% of APSH. In this case, it receives 26.94% of APSH and 6.79% of APSH in winter months and this would be reduced to 19.59% APSH and 3.43% respectively. Given that the 80% threshold is 21.55% and 5.43% respectively and the reduction in sunlight is greater than 4% of APSH, there would be an adverse impact. However, there are two south-facing windows (one of which is within a bay) that serve the same room and which therefore mitigate for the loss.
- 8.30. No rear elevation windows are proposed and therefore the proposal would not cause any overlooking or loss of privacy for neighbouring residents. The flat parts of the roofs would be subject to a condition in the event of an approval restricting their use as any kind of amenity area.
- 8.31. Officers are aware that there are benefits in terms of the removal of the existing garages in terms of noise, disturbance and vehicles coming and goings. As such, and given the conclusion that the impact on privacy, daylight / sunlight, and in terms of a sense of enclosure, the overall impact on neighbouring amenity would, on balance, be considered acceptable and broadly in compliance with Local Plan Policies SU9 and QD27 and emerging CPP2 Policy DM20.
- Standard of Accommodation:**
- 8.32. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.33. 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.

- 8.34. The GIA of the proposed dwellings would be 65m<sup>2</sup> for the more northerly two bedroom flat, 62m<sup>2</sup> for the more southerly two bedroom flat, 51m<sup>2</sup> for the one bedroom flat and 42m<sup>2</sup> for the studio. These are all in excess of the relevant minimum space standard in the NDSS. The bedroom sizes are also compliant. The internal floor to ceiling heights would be approx. 2.4m on both floors, which is in excess of the required 2.3m.
- 8.35. With the exception of the lightwell to the second bedroom in the more southerly two bedroom flat, the dwellings would be single aspect to the west. Given the constraints of the site, it is not possible for windows to be installed in the north and south elevations, and any in the east-facing elevation would give rise to a significantly harmful intrusion on privacy. As such, the dwellings would receive sufficient natural light, outlook and ventilation. The outlook from the aforementioned bedroom is not ideal given that the lightwell would be 1.2m deep and would be enclosed by 2.6m high walls, but the bedroom would have full-height glazed doors and the outlook from the flat as a whole would be acceptable and it is in the future occupiers' best interest to maintain it to maximise their outlook.
- 8.36. Local Plan Policy HO5 and emerging Policy DM1 of City Plan Part 2 (which can be given significant weight) require the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. Only the aforementioned bedroom would have amenity space, and even that is limited at 2.6m<sup>2</sup> in size. A hard paved forecourt is also provided for the ground floor flats, but this would not be private, nor is any boundary treatment proposed. The use of the flat roof as a terrace would be unacceptable on design and heritage grounds. The proximity of the site to The Lawns, an extensive grassed area, and the beach, both of which are a 2-3 minute walk away to the south is also given weight in considering whether outside amenity space is sufficient.
- 8.37. Given the site is in close proximity to the commercial car garages opposite, future occupiers of the proposed dwellings would likely be exposed to frequent, prolonged and varying levels of noise caused by that use. As residential is a noise-sensitive use, its introduction here should not cause the existing business(es) to have unreasonable restrictions placed on them as a result. It is therefore recommended that a condition be imposed requiring soundproofing to be incorporated into the design of the new residential building. The extent and degree of soundproofing would need to be informed by sound tests prior to development starting, which would otherwise be an additional noise source, and therefore the condition is pre-commencement.
- 8.38. If keeping windows closed is required to ensure an acceptable internal acoustic environment (and this should only be considered as a last option), an alternative means of ventilating the dwellings would need to be specified in order to provide a satisfactory standard of accommodation. Therefore, an additional condition is also recommended.

- 8.39. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies SU10, QD27 and HO5, emerging CPP2 Policy DM1 as well as point 6 of CP14.

**Impact on Highways:**

- 8.40. The site is easily accessible by sustainable transport given it is seven minutes by bike and 21 minutes by foot from Hove train station as well as four minutes from 17 bus routes, including two night bus routes. Therefore, it is suitable for further development in transport terms.
- 8.41. The pedestrian access along the road, and therefore to the application site, is a strip of beige coloured surfacing separated by the vehicular road by a white line. However, in reality, this is relatively unsafe as previously noted. Because this is already the situation for the existing building, Officers do not object to this situation remaining as is for the four proposed dwellings, and access is not considered to warrant a refusal of this application.
- 8.42. The addition of four residential units would be expected to increase demand for on-street parking. The site is within CPZ N, which prevents on-street parking, and there are no nearby streets than are either outside a CPZ or that do not have some kind of parking control. As such, the proposal would be unable to cause overspill parking. It is not considered appropriate to impose the car-free condition requested by local residents because parking in the local area and limiting the issue of parking permits is already covered through the management of the CPZ. As such, Officers do not consider that the proposal would significantly add to the problems with car parking in Hove, or create parking stress on surrounding streets. The four garages are in separate, private ownership and therefore each owner, none of whom reside in the local area, would seek to store their motor vehicles elsewhere as opposed to applying for car parking permits in this CPZ.
- 8.43. As previously mentioned, it is considered that the proposed bollards would prevent vehicles from parking on the front forecourt, which is considered beneficial, both on conservation and highways grounds.
- 8.44. Six cycle parking spaces are proposed; two each for the two bedroom flats and one each for the one bed dwellings, which is compliant with the SPD14 minimum requirements and therefore welcomed. However, given the site constraints (minimal private outside areas and the conservation area setting), the provision of compliant cycle spaces cannot be achieved and is therefore acceptable in the circumstances.
- 8.45. In terms of refuse and recycling, there are communal on-street bins at the northern end of the street. This is considered acceptable.
- 8.46. No alterations are proposed to the deliveries and servicing situation, which is considered acceptable.
- 8.47. As such, the impact on road safety and highway capacity would be acceptable.

**Sustainability:**

- 8.48. City Plan Part One Policy CP8 requires new development to demonstrate a high level of efficiency in the use of water and energy and for it to achieve 19% above Part L for energy efficiency in addition to meeting the optional standard for water consumption. Therefore, conditions are recommended to ensure the development met those standards.
- 8.49. Given the scale of the proposals, both in respect of the demolition and construction works, it is recommended that a Site Waste Management Plan (SWMP) is secured by a pre-commencement condition. This would maximise the sustainable management of waste and minimise the need for landfill capacity as well as secure the re-use of materials where possible.

**Contamination:**

- 8.50. Officers are not aware of a historically contaminating use of this site as it was previously used as garages for vehicle storage before being rebuilt after bomb damage during the war. However, it is possible that the garages contain asbestos and that contaminants may have seeped into the land from the use opposite the site. At this stage, it is unclear if either exists and therefore it is considered reasonable to add a condition requiring development to cease until a method statement identifying and assessing the risk and proposing remediation measures has been submitted to and approved in writing by the LPA, if contamination is found.

**Biodiversity and Landscaping:**

- 8.51. Given that the Environment Bill and City Plan Part One Policy CP10 require net gains for biodiversity, the provision of a bee brick (which can be white to match the render) and eight swift boxes would be secured by condition. It is worth noting that these measures would be sufficient to ensure a net gain for biodiversity given the existing nature of this hard-surfaced site.
- 8.52. In terms of landscaping, only hard surfacing is proposed. Whilst it would be preferable if soft planting could be introduced, this is a hard frontage, which is frequently traversed by pedestrians when vehicles are travelling down this narrow road, often made harder to navigate for pedestrians by parked cars. The character and appearance of St Johns Road is also not one of planted frontages and therefore pavers with permanent (i.e. not demountable) bollards to prevent car parking on the forecourts and studs or contrasting pavers to mark the boundary between the units are acceptable. It is recommended that further details of these items are conditioned as would the hard surfacing being porous and / or permeable.

**Other matters raised by consultation:**

- 8.53. Matters of right of way, access in the event of an emergency or for scaffolding, use of the flat roofs by seagulls and covenants / title plans are not relevant planning considerations and have not been taken into account in the determination of this application.

**9. CONCLUSIONS**

- 9.1. The proposals would provide four dwellings to meet an identified local need, sustainability and biodiversity net gains, and it would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; which are relatively significant benefits of the proposal. Following revisions made to the proposals, the LPA can support the design of the buildings, which would not have a significantly adverse impact on heritage assets, neighbouring amenity or on highways safety whilst providing an acceptable standard of accommodation. The proposed development is therefore recommended for approval.

## **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 £16,208.82. 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. The proposed ground floor flats would have level access from St Johns Road, which is welcomed. At a slightly larger size than the minimum spaces standards, the first floor dwellings may be suitable for occupants of limited mobility were a stairlift to be installed in the future.



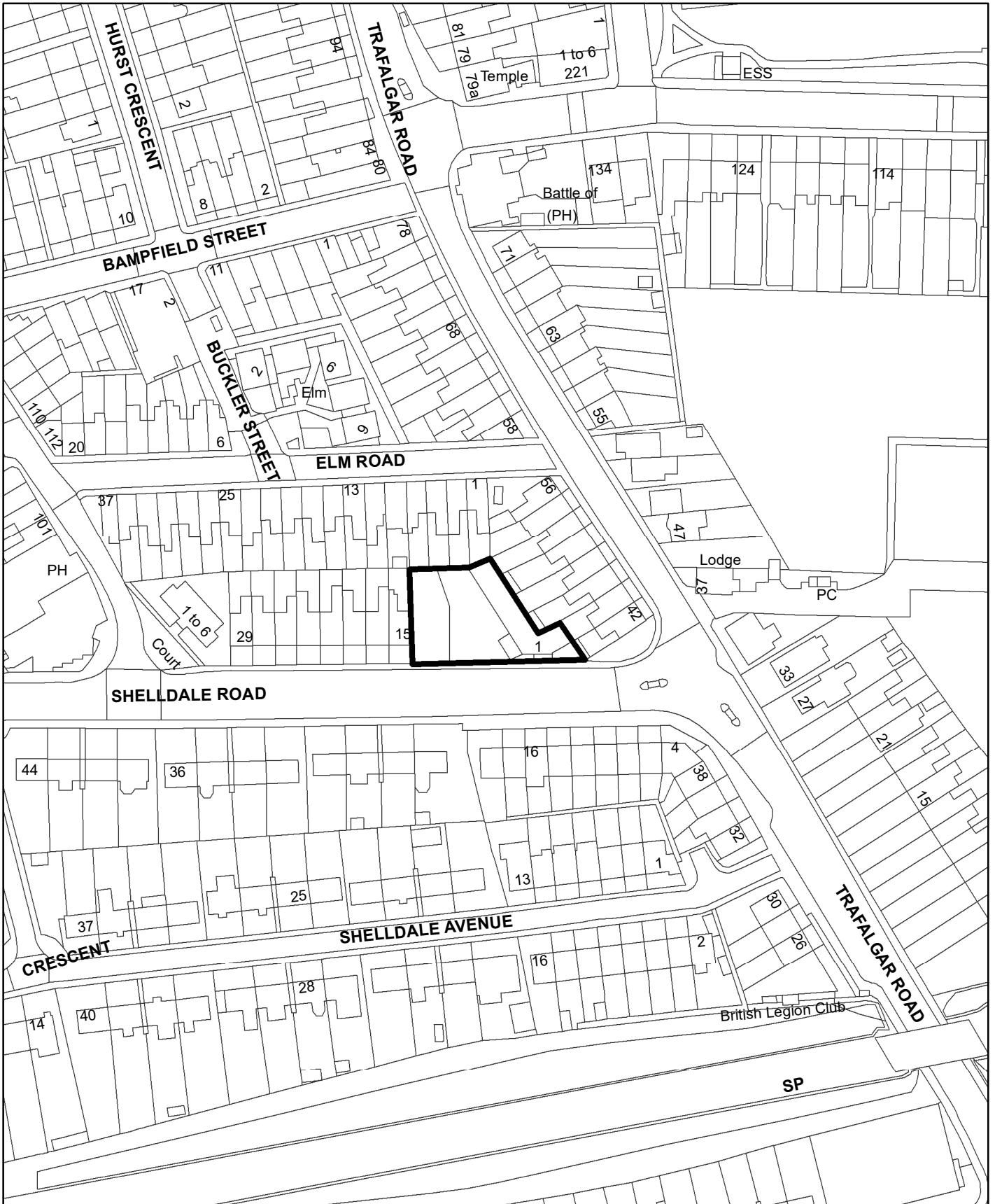
# **ITEM J**

**1-13 Shelldale Road  
BH2021/01360  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**



# BH2021 01360 - 1-13 Shelldale Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/01360</b>	<b><u>Ward:</u></b>	<b>South Portslade</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1-13 Shelldale Road Portslade BN41 1LE</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing car valet buildings (Sui Generis) and erection of a terrace of 4no. three storey dwellings with loft accommodation (C3) and a part two, part three storey office building (E) with loft space, and associated landscaping.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	14.04.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	09.06.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Jonathan Puplett Whaleback Planning & Design The Old Bank 257 New Church Road Hove BN3 4EE		
<b><u>Applicant:</u></b>	Mr Alfie White Highcroft Construction Ltd 27 Palmeira Mansions Church Road Hove BN3 2FA		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	PR_009	A	16 June 2021
Proposed Drawing	PR_010	A	16 June 2021
Proposed Drawing	PR_011	A	16 June 2021
Proposed Drawing	PR_012	A	16 June 2021
Proposed Drawing	PR_013	A	16 June 2021
Proposed Drawing	PR_014	A	16 June 2021
Proposed Drawing	PR_015	A	16 June 2021
Proposed Drawing	PR_016	A	16 June 2021
Proposed Drawing	PR_017	A	16 June 2021
Proposed Drawing	PR_018	A	16 June 2021
Proposed Drawing	PR_019	A	16 June 2021
Proposed Drawing	PR_020	A	16 June 2021
Proposed Drawing	PR_024	A	16 June 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. Apart from demolition, no construction works 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:
- a) samples of all brick (including mortar colour, bonding and pointing) and slate as well as a 1:20 elevation showing the soldier course expressed with profiled brickwork;
  - b) 1:20 elevations and sections of the proposed windows and doors as well as product specification sheets;
  - c) samples of all hard surfacing materials;
  - d) samples of all other materials to be used externally; and
  - e) details of any low-carbon, recycled and / or reclaimed materials, and an embodied carbon assessment.

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

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with Policies QD5 of the Brighton & Hove Local Plan, CP8, CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 of the emerging Brighton and Hove City Plan Part Two.

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

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

5. 12 swift bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

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

6. No development above ground floor slab level of any part of the development hereby permitted shall take place until a 1:20 scale plan and section drawing of the green roof, including depth of substrate and seeding mix, have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development, to enhance the biodiversity of the site and to comply with Policies CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD11.

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

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and the sustainable urban drainage system (SuDS) used;
- b. a schedule detailing sizes and numbers of all proposed trees and plants including details of location and species, to include some food-bearing plants;
- 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, CP10 and CP12 of the Brighton & Hove City Plan Part One, DM18 and DM22 of the emerging Brighton and Hove City Plan Part Two and SPD11 and SPD16.

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

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One, DM43 of the emerging Brighton and Hove City Plan Part Two and SPD16.

9. The commercial use hereby permitted shall not be carried out except between the hours of 07:00 and 19:00 on Mondays to Fridays and 08:00 and 17:00 on Saturdays, and not at all on Sundays, Bank or Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.

10. The first floor bathroom windows to the dwellinghouses and the first and second floor staircase windows to the commercial space in the north-facing elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.

11. The commercial space shall be used as an office (Use Classes E(c) and E(g)) only and for no other purpose (including any other purpose in Class E of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change

of use shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and the City's office space in compliance with Policies QD27 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One and DM20 of the emerging Brighton and Hove City Plan Part Two.

12. The development hereby permitted shall not be occupied until the redundant vehicle crossover to Shelldale Road has been converted back to a pavement 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, CP9 of the Brighton & Hove City Plan Part One and DM33 of the emerging Brighton and Hove City Plan Part Two.

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

- (i) The phases (if applicable) of the development hereby permitted, including the forecasted completion date.
- (ii) A scheme setting out how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site.
- (iii) Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway.
- (iv) Details of hours of demolition and construction including all associated vehicular movements.
- (v) Details of the demolition and construction compound.
- (vi) A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these.
- (vii) Details of measures to protect highway asset and to mitigate impacts on public transport and provide for their continued operation during the works.
- (viii) Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
- (ix) Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site.
- (x) Details of employee and contractor parking.

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

**Reason:** As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One, DM20, DM33



and DM40 of the emerging Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03.

14. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the emerging Brighton and Hove City Plan Part Two.

15. 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 and DM44 of the emerging Brighton and Hove City Plan Part Two.

16. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the emerging Brighton and Hove City Plan Part Two.

17. If during demolition or construction, contamination, including asbestos, 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 prevent land contamination, To safeguard the health of future residents or occupiers of the site and ensure there is no risk to public health or water supplies in compliance with Policies SU9, SU11 and QD27 of the Brighton and Hove Local Plan and DM20, DM40 and DM41 of the emerging Brighton and Hove City Plan Part Two.

Informatives:

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

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

2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 10.
6. The applicant is advised to enter into a Section 278 Agreement with the Local Highway Authority prior to any works commencing on the adopted (public) highway.
7. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
8. The water efficiency standard required under Condition 15 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
9. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).

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

- 2.1. The application relates to a site on the north side of Shelldale Road close to its junction with Trafalgar Road (A293) to the west, and with Elm Road to the north. It is currently in use for car sales with valeting and vehicle repairs (Sui

Generis). It contains a two-storey building with a pitched roof at an angle to the street to the east side of the site, and a sales forecourt area with boundary walls and a chain-link fence fronting onto the street.

- 2.2. Other than this commercial use, the surrounding area is in residential use, with two storey terraced dwellings with gable-ended pitched roofs on the southern side of Shelldale Road, and a larger scale terrace immediately to the west of the site of two storeys with basement and stepped entrances up to the raised ground floor level from pavement level.
- 2.3. The site is not within a conservation area, is not a listed building or within the vicinity of one and is not within a Controlled Parking Zone (CPZ). However, it is adjacent to an Air Quality Management Area (AQMA) on Trafalgar Road.
- 2.4. Planning permission is sought for the demolition of the existing car valet buildings (Sui Generis) and the erection of a terrace of 4no. three storey, four-bed dwellings with loft accommodation (Use Class C3), and a part two, part three storey office building (Use Class E) with loft space, and associated landscaping.
- 2.5. Changes have been made during the course of the application to the proposed brick colour, the architectural detailing of the front elevation, the windows to the rear elevation, the landscaping, the internal layout and to reduce the width of the proposed rear dormers.

### **3. RELEVANT HISTORY**

- 3.1. **BH2006/03017:** Change of use from car sales to hand car wash, erection of enclosure, portacabin & fence to east boundary (part retrospective). Refused 4 January 2007

### **4. REPRESENTATIONS**

- 4.1. **Eight (8) objections** and **one (1) comment**, eight (8) from properties directly affected, were received raising the following concerns:
  - Access to my garden for demolition of the building would not be given.
  - The privacy of my garden and windows would be severely compromised.
  - The building erected would put my garden permanently in the shade.
  - Detrimental impact on wellbeing and mental health
  - Adding more housing would make car parking even worse.
  - Traffic generation and highway safety
  - Loss of natural light to the rear gardens of Elm Road
  - External appearance of the proposed development doesn't conform with Shelldale Road or the rear elevation of Elm Road.
  - The proposed slate roofs would not be in harmony with the existing materials; all surrounding houses have red tiles.

- Given that the majority of people are planning to stay working from home, the proposed office space would be better as retail, such as a coffee shop, restaurant or a community space / hub.
- Noise disturbance when many people are working from home.
- The size of the plot is not appropriate for the number of houses proposed.
- There is a concern as to what would replace the green living wall to the back wall of 1 Elm Road.
- Boundary lines should be rationalised to square off the 2 garden spaces.
- Overbearing nature and proposed overdevelopment of the plot.
- These new offices would not generate an increased number of jobs given the number of empty / available offices in a radius of 5 miles.
- There may be hazardous materials underground at this site.
- Detrimental effect on property / rental values
- Hazard to health during the build and demolition of the existing property through the creation of dust (air pollution) and vibration.
- A gap of 70cm between the new and existing terraces is insufficient.
- Excavation and construction so close to neighbouring walls may destabilise foundations and threatens damage.

## **5. CONSULTATIONS**

### **5.1. Planning Policy: Comments not required**

### **5.2. Southern Water:**

- Closing over an existing public water main will not be acceptable.
- The exact position of the public apparatus must be determined on site before the layout is finalised.
- The water main could be diverted so long as this would result in no unacceptable loss of hydraulic capacity.
- The impact of any works within the highway / access road on public apparatus shall be assessed and approved in consultation with them.
- There are restrictions on the proposed tree planting adjacent to sewers.
- A condition should be attached to any planning permission requiring the developer to advise the LPA and Southern Water of the measures which will be undertaken to divert the public water mains prior to the commencement of the development in order to protect water apparatus.
- A sewer now deemed to be public could be crossing the development site, and if it is found, its ownership should be ascertained before any further works commence.
- A formal application for a connection to the public foul sewer is required to be made by the applicant or developer.
- The hierarchy for surface water in part H3 of the Building Regulations should be followed.
- 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 from the risk of flooding.

5.3. **Transport:** Recommend approval, subject to 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 Joint Area Action Plan (October 2019)

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

## 7. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP1 Housing delivery  
CP2 Sustainable economic development  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP10 Biodiversity  
CP12 Urban design  
CP14 Housing density  
CP19 Housing mix

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

TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU11 Polluted land and buildings  
QD5 Design - street frontages  
QD15 Landscape design  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes

EM4 New business and industrial uses on unidentified sites  
EM9 Mixed uses and key mixed use sites

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 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  
DM19 - Maximising Development Potential  
DM20 - Protection of Amenity  
DM22 - Landscape Design and Trees  
DM33 - Safe, Sustainable and Active Travel  
DM40 - Protection of the Environment and Health – Pollution and Nuisance  
DM41 - Polluted sites, hazardous substances & land stability  
DM43 - Sustainable Urban Drainage

Supplementary Planning Documents

SPD03 Construction and Demolition Waste  
SPD11 Nature Conservation and Development  
SPD14 Parking Standards  
SPD16 Sustainable Drainage

Other Documents

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

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development, density, the design of the proposal, landscaping and biodiversity, its impact on neighbouring amenity and on highways as well as the standard of accommodation created.
- 8.2. Officers undertook a site visit in relation to the present application following the protocols put in place due to COVID and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

**Principle of development:**

- 8.3. 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. The Council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 8.4. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 8.5. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 8.6. 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).
- 8.7. The scheme counts as a small 'windfall site', bringing the benefit of providing four additional housing units to the city, which would therefore make a small, but important contribution towards the Council's housing target given the importance of maximising the use of sites.
- 8.8. As a 'windfall site', Policy CP19 requires proposals to have considered housing mix and local assessments. All of the dwellings proposed to be provided would have four bedrooms. Local assessments indicate that the greatest demand for market housing is for 2-and 3-bedroom properties (35% and 36% respectively). However, it does note that there is also likely to be a considerable requirement for three- or more bedroom sized properties (a combined 35% of the overall need / demand for both market and affordable homes). Given that each dwelling in the scheme would have a reasonable sized garden and there is car parking available on-street, the proposal is adequately suited to dwellings which can accommodate families.
- 8.9. As noted above, within the city's existing housing stock there is clear evidence of a 'bias' towards smaller dwelling types. This has also been the case in terms of the pattern of recent residential development in the city. This points towards a lack of choice across the housing market in terms of property types and sizes available to current and future households, and this is particularly so in terms of the availability of larger family sized dwellings. In practice, the city's land availability constraints are likely to restrict the provision of larger properties. It will be important therefore to maximise opportunities to secure additional family sized housing on suitable sites, as is

proposed in the present scheme, a benefit which can therefore be given significant weight.

- 8.10. The principle of redeveloping unallocated sites for mixed uses, and which are readily accessible by public transport is supported. Existing companies should be retained, the growth of new businesses is encouraged and new floorspace should be flexible to support small and medium sized enterprises (SMEs), particularly in the knowledge-based economy, creative industries and environmental technologies. Table 2 of City Plan Policy SS1 shows that 11,257m<sup>2</sup> of New Employment Floorspace is to be located within the built up area, in which this site falls.
- 8.11. Given that the businesses cumulatively fall under the Sui Generis category, they are not protected by planning policy, but it does support new commercial accommodation being affordable, flexible and suitable for a range of creative industries. The new 249m<sup>2</sup> of floorspace is proposed to be in the E use class, which gives flexibility to future occupiers, both in terms of type and number of businesses, in addition to being modern, better lit and ventilated, higher quality, and efficiently laid out. The new accommodation would represent a significant upgrade on the existing building, which is in a poor state of repair such that repair and renovation is not considered feasible. These matters are given weight in the decision-making process.
- 8.12. This development in many respects therefore represents a significant improvement over the existing employment offer of the site, through providing a genuine long-term employment use which would contribute towards meeting the future demands of the city, as well as family homes to meet identified housing needs. As such, the principle of the development is considered acceptable. The acceptability or otherwise of the scheme is subject to the density, design, standard of accommodation, impact on neighbouring amenity and local highways network. This is discussed below.

**Density:**

- 8.13. City Plan Policy CP14 outlines that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood, but development will be permitted at higher densities than those typically found in the locality subject to a number of criteria detailed within the policy.
- 8.14. In this case, the gross density of the Portslade-by-Sea neighbourhood, in which this site falls, is 30 dwellings per hectare (dph). This appears relatively low due to much of the area being industrial and there also being large areas of open space. The densities are as high as 70 dph in the terraced streets. The residential development part of the site would have a density of approx. 85.5 dph, which accords with the requirement that new residential development achieves a minimum net density of 50 dph.
- 8.15. The density is supported provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the criteria within Policy CP14 can be satisfactorily met. Matters of design, impact on the



character of the neighbourhood and outdoor recreation space will be discussed later on in this report. However, it has already been established that it would provide dwellings that reflect identified local needs and it is evident that the site is easily accessible by sustainable transport given it is very close to Fishersgate train station and a bus route between Brighton and Steyning, as well as four minutes by bike and 11 minutes by foot from Portslade train station. In terms of local services and community facilities, primary schools, Portslade high street, Portslade Sports Centre and Village Hall are all a short distance away.

- 8.16. As such, the proposal would be compliant with NPPF paragraph 122 that supports development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.
- 8.17. It is therefore considered that the proposal is acceptable in terms of proposed density and broadly in compliance with Policy CP14.

**Design:**

- 8.18. The proposal aims to continue the existing terrace, extending it from eight properties by a further six to a total of 14 with the single storey plus basement office attached to its eastern end. However, the form and massing would be a contemporary interpretation of the architectural features, which is considered to successfully mimic the adjacent housing typology with sufficient contextual detailing, and respecting the prevailing characteristics of sunken front gardens and generous rear gardens. This results in an improved streetscene, which is given weight in the decision-making process. The general proportions and built form positively responds to the site context by respecting the character and urban grain of the area and can be supported.
- 8.19. The proposed appearance is sensitive to the prevailing context and the use of bay windows, varied brick laying patterns and expressed soldier courses generates visual interest and a high quality, contemporary textural finish. The differences between the elevational treatments of the residential and office buildings are subtle but well-defined and, following revisions, are comparable in quality and result in a cohesive appearance, tying the two parts together. This design approach is supported.
- 8.20. The rear dormers have been reduced in width from that initially proposed, now appearing as subordinate additions rather than as a continuous storey. Full-width rear dormers are visible on 9, 23, 31, 33 and 37 Elm Road and 14, 22 and 34 Shelldale Road so smaller dormers than those would not be considered out of character for the area.
- 8.21. In terms of materiality, a greyish white multi-stock brick is proposed, which is considered to be an appropriate compromise between the prevailing context of red brick and a completely white brick that would weather poorly and become dirty over time. The use of natural slate to the roof and grey coloured aluminium windows, rooflights and downpipes are considered to be high quality materials. It is recommended that exact details of all the materials are secured by a condition prior to commencement (excluding demolition).

- 8.22. As such, the application would be of a high standard of design and would comply with City Plan Part One Policies CP12 and CP14, Local Plan Policy QD5, emerging Policy DM18 of City Plan Part 2 (albeit it can be given limited weight), and paragraphs 127 and 130 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area. Furthermore, the latter paragraph makes it clear that design should not be used as a valid reason to object to development where it accords with clear expectations in policies.

**Impact on Neighbouring Amenity:**

- 8.23. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.24. The main impact of the proposals would be on 1-9 Elm Road to the north, 42-54 Trafalgar Road to the east, 12-22 Shelldale Road to the south and no. 15 to the west.
- 8.25. The submitted site plan indicates that the back-to-back distances to the rear windows of the existing dwellings on Elm Road are between 17m and 18.7m with the proposed dwellings being approx. 9m to their rear gardens. The existing situation is recognised in that these properties appear to suffer no overlooking / loss of privacy from the existing buildings on site. Therefore, the proposal would introduce overlooking in that rear-facing windows would face those properties. As can be seen on the proposed section 01, only those at first and second floors would provide opportunities for overlooking and it is considered that this impact would be limited as they serve bedrooms and office space, which would be conditioned to have operational hours of 07:00 and 19:00 on Mondays to Fridays and 08:00 and 17:00 on Saturdays. The number of windows has also been reduced by four during the application process and six of the proposed first and second floor windows would be conditioned as obscure glazed. The impact is considered to be comparable to a typical suburban area, such as the relationship which occurs between the existing terraces to the west.
- 8.26. The reduction in the width of the proposed rear dormers not only reduces the number of windows, but also successfully reduces the perception that they would be overbearing in south-facing views from the Elm Road properties. Moreover, the proposals would not cause a material loss of outlook or create a sense of enclosure. It is unlikely that there would be a material loss of sunlight or increase in overshadowing to the Elm Road properties given the distances involved.
- 8.27. The demolition of the existing building would improve the living conditions for 1 Elm Road and 44-54 Trafalgar Road. The impact on the amenity of 42 Trafalgar Road is not considered to be harmful.

- 8.28. It is noted that no comments or otherwise have been received from 12-22 Shelldale Road and the impact is considered to be limited since the front elevation of the buildings would be over 23m from that of those properties, negating any harmful overlooking or loss of outlook.
- 8.29. The impact on no. 15 in terms of what can be considered as part of a planning application is restricted to loss of light, outlook and the creation of a sense of enclosure / being overbearing in this case. The proposed building on the boundary would extend past the main rear building line of no. 15 by approximately 72cm according to the plans (although 67cm is referred to in the objection). Regardless of which is the correct figure, the projection is modest and is not considered to cause an adverse amenity impact.
- 8.30. It is considered necessary to restrict permitted development rights to the dwellinghouses to avoid any adverse impact upon neighbouring amenity from any kind of extension or new opening, roof addition or front porch.
- 8.31. Regarding the proposed commercial use, Use Class E is proposed, although throughout the submission an office use is referred to, which would be E(g), previously known as B1(a), (b) and (c). It is considered appropriate to restrict the proposed commercial space to E(g) and E(c), previously A2, by condition to avoid less disturbance to neighbours than the previous and existing uses of the site, which have been unauthorised and uncontrolled (by conditions). As such, this mix of Class E uses is considered be acceptable and can be carried out in any residential area without detriment to the amenity of that area. A condition is also recommended to be imposed regarding the opening hours of the commercial uses being restricted to 07:00 and 19:00 on Mondays to Fridays and 08:00 and 17:00 on Saturdays, and preventing their use on Sundays, Bank or Public Holidays.
- 8.32. Officers are aware that there are benefits in terms of the removal of the existing business in terms of noise, disturbance and vehicles coming and goings as well as the building themselves being overbearing, reducing light and outlook. As such, the overall impact on neighbouring amenity would, on balance, be considered acceptable and broadly in compliance with Local Plan Policies SU9 and QD27 and emerging CPP2 Policy DM20 which can be given significant weight.
- Standard of Accommodation:**
- 8.33. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.34. 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.

- 8.35. The GIA of the proposed dwellings would be 131m<sup>2</sup>. However, the NDSS does not specify a minimum space standard for 4b8p dwellings over four storeys. It is noted that the minimum GIA for a 4b8p dwelling over three storeys is 130m<sup>2</sup>. Given the constraint of needing to fit in with the proportions of the adjoining terrace and the fourth floor not being a full storey (it only houses an ensuite bedroom), the proposed GIAs are considered acceptable in this instance.
- 8.36. The bedroom sizes would be compliant with the NDSS and for their occupancy (two doubles and two singles per dwellinghouse). The internal floor to ceiling heights would be 2.16m in the basement, 2.95m on the ground, 2.87m on the first and a maximum of 2.35m at second floor level. Since 75% of the total GIA of the dwellinghouse is required to be 2.3m or over, the shortfall within the basement is considered acceptable.
- 8.37. Given the north - south orientation of the building, all units would be served by generously sized front and rear windows to provide adequate levels of natural light, outlook and cross-ventilation to the primary living accommodation. The office accommodation achieves the same.
- 8.38. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. All of the proposed dwellings benefit from ample private external amenity space, as is appropriate for family sized housing. It is noted that the site is a five minute walk to Vale Park.
- 8.39. In compliance with Policy EM4, the office accommodation benefits from adequate landscaped amenity open space in the form of a front basement lightwell and a small landscaped area too.
- 8.40. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies SU9, QD27 and HO5, emerging CPP2 Policy DM1 (which can be given significant weight) as well as point 6 of CP14.

**Impact on Highway:**

- 8.41. As previously noted, the site is in a sustainable development and therefore suitable for further development in transport terms.
- 8.42. The site is outside of a CPZ. Given that no off-street car parking is proposed to be provided with the scheme, consideration must be given to overspill parking since the streets to the north, south and east in the vicinity of the site are not within a CPZ either. Overspill parking cannot therefore be controlled and the applicant has submitted a Transport Statement to assess the impact of this.

- 8.43. It is apparent from the site visit and objections received from local residents that on-street parking in the vicinity of the site is under pressure, possibly due to residents and visitors associated with nearby properties within CPZs wishing to park for free. The Transport Statement discusses travel and car parking matters, including an assessment of the current parking situation and forecasted demand from existing properties and proposed / committed development. It concludes that based on local car ownership in the immediate Portslade Village area, there are likely to be four cars associated with the proposed dwellings. Further, comparing trip generation resulting from the existing use (61 trips/day), the proposal is likely to result a slight reduction (59 trips/day). As such, the impact on the capacity of the surrounding highway and transport network is considered to be acceptable.
- 8.44. A parking survey undertaken by the applicant indicates that there are at least 5 spaces available on Shelldale Road and at least a further 15 un-restricted on-street spaces within a short walk of the site. As such, there is spare capacity and no mitigation measures, such as car club membership and a travel plan, are considered to be justified.
- 8.45. In terms of cycle parking, two spaces have been provided for each dwellinghouse and none for the commercial space. The site constraints mean that users cannot be provided with level access to the stores without wheeling them through the properties from the rear garden, which would be unwieldy and unlikely to be used. As such, while not ideal, not providing cycle parking would be acceptable since policy-compliant storage cannot be achieved without a re-design that would likely compromise the design objectives of the proposals.
- 8.46. As regards refuse and recycling bins, these would also be located at basement level. The same issues apply as to the cycle parking in that the bins would have to be pulled up the steps, which is not ideal. However, there is no alternative in the circumstances, although the bins could be kept on the front pathways without preventing access to those not in wheelchairs.
- 8.47. No alterations are proposed to the deliveries and servicing situation, and indeed any trips would be lessened. This is considered acceptable.
- 8.48. The existing vehicular access would be removed as part of the proposals and it is recommended that a condition can be added to ensure that the proposed development is not occupied until it has been converted back to a footway.
- 8.49. Given the scale of the proposals, both in respect of the demolition and construction works, it is recommended that Construction Environmental Management Plan (CEMP) are secured by a pre-commencement condition. This would address safety, amenity and traffic matters, and would resolve the neighbouring occupiers' concerns about noise, dust and vibration.
- 8.50. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

**Sustainability:**

- 8.51. City Plan Part One Policy CP8 requires new development to demonstrate a high level of efficiency in the use of water and energy and for it to achieve 19% above Part L for energy efficiency in addition to meeting the optional standard for water consumption. Therefore, conditions are recommended to ensure the development met those standards.
- 8.52. The applicant has committed to the proposed commercial space meeting a BREAMM rating of 'Very Good' in compliance with Policy CP8. It is recommended that this is secured by condition.
- 8.53. Policy CP8 also requires that all development "*uses materials that are sustainable and have low embodied carbon*". Further details can be sought within the recommended materials condition.

**Contamination:**

- 8.54. Given the existing use of the site, in particular for vehicle repairs, it is possible that underground contamination exists as well as possible asbestos within the building on site. At this stage, it is unclear if either exists and therefore it is considered reasonable to add a condition requiring development to cease until a method statement identifying and assessing the risk and proposing remediation measures has been submitted to and approved in writing by the LPA, if contamination is found.

**Biodiversity, Landscaping and Environment:**

- 8.55. City Plan Part One Policy CP10, and the emerging Environment Bill, require net gains for biodiversity, the provision of a bee brick and 12 swift bricks would be required by condition. The proposed green roof above part of the office is supported, although details are recommended to be secured by condition to ensure that it would successfully contribute to biodiversity, sustainable drainage and environmental objectives. It is worth noting that these measures would be more than sufficient to ensure a net gain for biodiversity given the existing nature of this hard-surfaced site.
- 8.56. In terms of landscaping, the ratio is slightly in favour of soft planting with generous rear gardens, front planters and the aforementioned green roof. The use of '*cotoneaster franchetii*', suggested by Officers given the proximity to the AQMA on Trafalgar Road, would contribute to air quality gains because it is at least 20% more effective at soaking up pollution compared with other shrubs. However, it is noted that the landscape proposals are indicative at this stage and therefore further details to include SuDS and rainwater harvesting are recommended to be secured by condition. Any hard surfacing is recommended to be conditioned as porous and / or permeable.
- 8.57. As such, this development has the potential to achieve the requisite criteria in City Plan Part One Policy CP8 in that it helps to address climate change mitigation, reduces heat island effect and surface water run-off, enhances biodiversity and reduces air pollution.

**Other matters raised by consultation:**

- 8.58. Matters of construction access, noise and disruption during construction works, property / rental values, boundary / party wall issues, foundations and structural issues are not relevant planning considerations and have not been taken into account in the determination of this application.

**9. CONCLUSIONS**

- 9.1. The proposals would provide improved, flexible commercial floorspace, four family sized dwellings in Portslade, sustainability, environmental and biodiversity net gains, and it would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; which are relatively significant benefits of the proposal. Following revisions made to the proposals, the LPA can support the high quality design of the buildings, which would not have a significantly adverse impact on neighbouring amenity or on highways safety whilst providing an acceptable standard of accommodation. The proposed development is therefore recommended for approval.

**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 £26,786.81. 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. The proposed dwellings and commercial space would have level access from the footway on Shelldale Road as well as to the rear gardens, which is welcomed. The dwellings have a living room, bedroom and WC, which could be converted to a shower room, at entry level, making them adaptable for occupants of limited mobility. The proposed office has entry level WC facilities, which is supported.





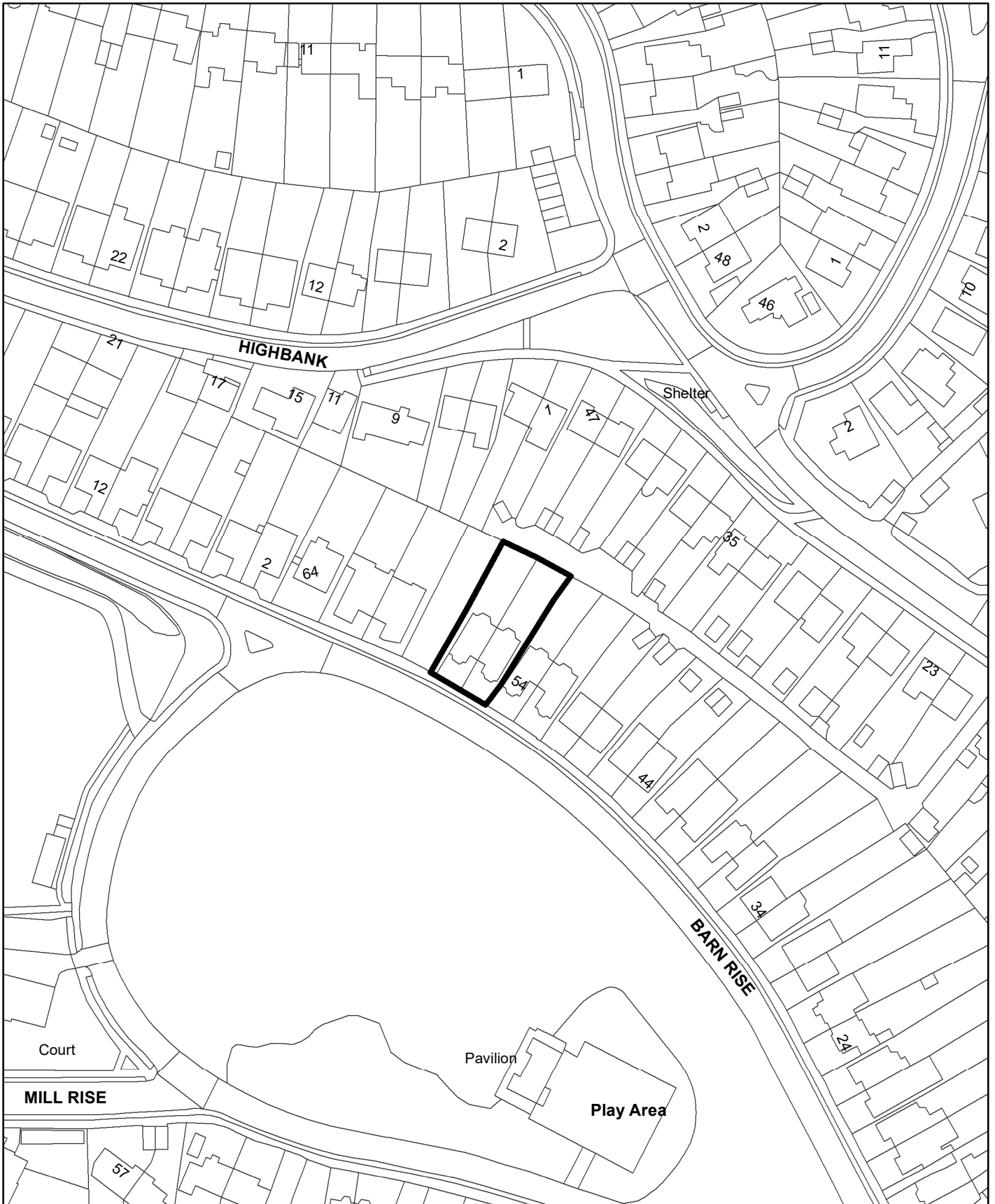
# **ITEM K**

**56 And 58 Barn Rise  
BH2021/00320  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> July 2021**



# BH2021 00320 - 56 And 58 Barn Rise



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/00320</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>56 And 58 Barn Rise Brighton BN1 5EE</b>		
<b><u>Proposal:</u></b>	<b>Remodelling of existing dwellings incorporating ground floor and first floor extensions to create an additional storey, side rooflights, front balconies &amp; rear terraces at first floor level, landscaping with associated alterations.</b>		
<b><u>Officer:</u></b>	Sam Bethwaite/Maria Seale	<b><u>Valid Date:</u></b>	29.01.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	26.03.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	12/7/21
<b><u>Agent:</u></b>	John Whiting Architect 14 Bates Road Brighton BN1 6PG		
<b><u>Applicant:</u></b>	Mr Santino Sarri 9 The Beeches Brighton BN1 5LS		

## 1. RECOMMENDATION

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

**Conditions:**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	1802/P/001	A	15 April 2021
Proposed Drawing	2009/P/101	A	15 April 2021
Proposed Drawing	2009/P/102	A	15 April 2021
Proposed Drawing	2009/P/103	A	15 April 2021
Proposed Drawing	2009/P/104	A	15 April 2021
Proposed Drawing	2009/P/201	A	15 April 2021
Proposed Drawing	2009/P/202	A	15 April 2021
Proposed Drawing	2009/P/203	A	15 April 2021
Proposed Drawing	2009/P/204	A	15 April 2021
Proposed Drawing	2009/P/205	A	15 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted

to and approved in writing by the Local Planning Authority, including (where applicable):

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

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

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

4. The bottom half of the first floor windows in the north west and south east elevations of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

5. Prior to the use of the rear terraces hereby approved the screening on the north west and south sides east sides of the terraces shall be fully installed and thereafter permanently retained.

**Reason:** To protect the amenity of the neighbour and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6. 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.

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

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

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

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the elevations of the re-modelled dwellings hereby approved without planning permission obtained from the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and the visual amenity of the area to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

Informatives:

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

## **2. SITE LOCATION**

- 2.1. The application site is a semi-detached pair of bungalows located on the north side of Barn Rise, to the south side of Barn Rise is a park. The properties are not within a conservation area or in the vicinity of any Listed Buildings. The bungalows are approximately 2m above the level of the public highway with the rear of the site sloping very steeply up to a rear access track for the properties fronting Copse Hill. The properties are accessed via steps up from the public highway. Approximately half of the rear garden area is not readily assessable as a result of the very steep gradient.

## **3. RELEVANT HISTORY**

- 3.1. BH2019/03601 (land adjacent to 58 Barn Rise) - Erection of single storey rear extension with roof terrace, privacy screen and associated landscaping. - Approved
- 3.2. BH2018/03563 (land adjacent to 58 Barn Rise) - Erection of single three-storey dwelling plus accommodation in roof. - Approved

## **4. APPLICATION DESCRIPTION**

- 4.1. The proposal is to remodel both bungalows into modern houses which would mirror each other in appearance. A first floor would be created that would accommodate the kitchen and living room. There would be a rear terrace

accessed from the first floor and from the ground floor via external steps. The rear garden would be terraced with steps providing access to the different levels. The ground floor would be redeveloped with a single storey rear extension, on top of which the first floor terrace would be positioned. The ground floor would accommodate four bedrooms, two with en-suite facilities and a bathroom. Stepped access would remain at the front of the site but would be reconfigured with a bin and cycle store created at street level.

- 4.2. The external finishes of the proposed houses would be composite cladding and zinc to the front, fibre cement slate cladding to the rear, fibre cement slate cladding and render to the sides with a fibre cement slate tiled roof. The windows and doors would be polyester powder coated aluminium units.
- 4.3. The application was amended during the consideration process. It was originally submitted with accommodation at roof level and garden rooms at the rear of the site that would have had vehicle parking above. These elements were removed.

## 5. REPRESENTATIONS

- 5.1. Eleven (**11**) letters received, objecting to the original proposal for the following reasons:
  - Overlooking
  - Loss of light
  - Reduction in privacy
  - Noise disturbance
  - Overdevelopment
  - Development would be out of keeping
  - Adversely affect highway safety
  - Increased vehicle traffic
  - Increased vehicle traffic to the rear of Copse Hill
  - Increased rainwater runoff
  - Detrimental impact on local wildlife
  - Restrict views of the green
- 5.2. As described above the application was amended with a subsequent re-consultation taking place. Responses were as follows.
- 5.3. Ten (**10**) letters received, objecting to the amended proposal for the following reasons:
  - Development would be out of keeping
  - Loss of light
  - Increased vehicle traffic
  - Increased vehicle traffic to the rear of Copse Hill
  - Increased rainwater runoff
  - Overshadowing
  - Overlooking
  - Overdevelopment
  - Development could cause damage to surrounding properties
  - Reduction in privacy



- Noise disturbance

## 6. CONSULTATIONS

### 6.1. Sustainable Transport: No objection

Bin and cycle store welcomed. Questions were raised about the originally proposed vehicle parking to the rear of the site with further information requested. This became unnecessary as this element of the proposal was removed.

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

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

## 8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density

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

TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity

### 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.

DM20	Protection of Amenity
DM21	Extensions and alterations

### Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the impact of the proposed development on the appearance and character of the site, the wider street scene and the amenities of adjacent occupiers.

### **Principle of Development:**

- 9.2. There is no objection in principle to extending and modernising the existing pair of semi-detached bungalows. The proposed scheme seeks to increase the usable space of the site by landscaping the rear garden to provide easier access, this is welcomed.

### **Design and Appearance:**

- 9.3. Policies QD14 of the Brighton & Hove Local Plan, and CP12 of City Plan Part 1 seek to ensure development proposals are well designed, sited and detailed in relation to the property, adjoining properties and to the surrounding area.
- 9.4. The proposal (as amended) is considered to comply with such policies.
- 9.5. Barn Rise has a relatively varied type and character of properties, with houses, bungalows and chalet bungalows of varied designs. This can be seen in the immediate context of the application site, with a modern styled house to the north west at 58A Barn Rise, and a bungalow with mock Tudor detailing to the south east at 54 Barn Rise. Accordingly, the conversion of the existing bungalows into houses is considered to be appropriate in principle.
- 9.6. The proposed houses would have a contemporary design with modern detailing such as large areas of glazing and composite cladding. They would be somewhat different to the existing prevailing aesthetic but would not jar with the surrounding scale or mix of properties. The open character of the street, with the park to the south side and the varied design of the properties along Barn Rise means the site has the ability to accommodate modern design in principle. The

proposed architectural style with pitched roofs is appropriate and the proposed materials suit the contemporary approach. Accordingly, in this instance the proposed design of the houses is considered to be acceptable.

- 9.7. At present there is a relatively large drop in ridge height between the neighbour to the north west at 58A Barn Rise, and the application site because the former has accommodation at roof level. The proposed redevelopment of 56 & 58 Barn Rise would ease the transition of ridge heights between the house to the north west and the bungalow to the south east.
- 9.8. A condition requiring details of the proposed external finishes has been attached to ensure a satisfactory appearance of the development and to comply with Policy QD14 of the Brighton and Hove Local Plan (retained policies March 2016) and policy CP12 of the Brighton & Hove City Plan Part One. In addition, permitted development rights for further dormer windows/windows is to be removed by condition in the interests of visual amenity.

**Impact on Amenity:**

- 9.9. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state 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. Policy QD14 also seeks to protect residential amenity.
- 9.10. The proposal (as amended) is considered to comply with these policies.
- 9.11. The impact on the adjacent properties at 58A & 54 Barn Rise and 43, 45, & 47 Copse Hill and 1 Highbank has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit that took place after completing a covid-19 risk assessment, and no significant harm has been identified.
- 9.12. To the south east of the site is 54 Barn Rise. The north facing windows would experience a reduced sense of outlook as a result of the increased height proposed and the proximity of the properties. The level of this impact is, however, considered to be insignificant given the existing outlook is minimal and the space between the properties is not being reduced.
- 9.13. The proposed rear extension would be 2.7m from the shared boundary. Given the significant boundary wall that exists between the sites, the proposed rear extension would not result in any significant reduction in outlook from the rear of no.54 or be overbearing.
- 9.14. The terrace proposed above the rear extension would have a privacy screen secured by condition, to be installed prior to it coming into use. This will control overlooking and mean the impact on privacy would be acceptable. There would be external access steps for the terrace close to the shared boundary, but these would not create a platform of a size conducive to any sort of prolonged use, and the existing boundary wall would also restrict views.

- 9.15. A first floor side window is proposed in the south elevation of the development. A condition would require them to be obscurely glazed to prevent views across the rear gardens of the properties to the south including no.54.
- 9.16. To the north west of the site is 58A Barn Rise. This property has a ground floor, south facing window that would receive reduced sunlight as a result of the increased height of the proposed development. This window serves an open plan living space which is served by other windows, including large screen doors to the front elevation. As a result, any reduction in light to the side elevation window is not considered so significant as to warrant refusal of this application.
- 9.17. The proposed rear extension would be adjacent to a broadly similar extension at no.58A. It would be 2.3m away from the shared boundary and 3.3m away from the neighbouring extension. The proposed extension would not have a significant overbearing impact on no.58A, or result in overshadowing so significant as to warrant refusal of the application.
- 9.18. The terrace proposed above the rear extension would have a privacy screen that will be conditioned to be installed prior to it coming into use. This will control overlooking and result in an acceptable impact on privacy. There would be external access steps for the terrace close to the shared boundary. These would not create a platform of a size conducive to any sort of prolonged use.
- 9.19. A first floor side window is proposed in the north elevation of the development. This will be conditioned to be obscurely glazed to prevent views into adjacent windows at no.58A.
- 9.20. Permitted development rights for any further windows/dormers will be removed by condition.
- 9.21. To the rear of the site are properties fronting Copse Hill and Highbank. The proposed increase in height would not result in the ridge of the proposed houses being higher than the rear boundary of the site. As a result of this and the separation between the properties the proposed development is not considered to have any significant amenity impacts on these neighbouring properties.

**Sustainable Transport:**

- 9.22. A secure cycle store is proposed to the front of the site and this is welcomed and would be secured by condition.

**Other Considerations:**

- 9.23. 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. 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.
- 10.2. It is estimated that the amount of CIL liability for this application is £30,628.02. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

**11. EQUALITIES**  
None identified



# PLANNING COMMITTEE

## Agenda Item

Brighton & Hove City Council

### NEW APPEALS RECEIVED 06/05/2021 - 09/06/2021

<b><u>WARD</u></b>	<b>HANGLETON AND KNOLL</b>
<b><u>APPEALAPPNUMBER</u></b>	
<b><u>ADDRESS</u></b>	Benfield Valley Golf Course Hangleton Lane Hove BN3 8EB
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Appeal against EN Without planning permission, the deposit of chalk spoil and aggregate creating hardstanding, mounds and chalk bunds at the Property in the area shown coloured green on the plan.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	11/05/2021
<b><u>APPLICATION DECISION LEVEL</u></b>	Not Assigned

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<b><u>WARD</u></b>	<b>PRESTON PARK</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/02516
<b><u>ADDRESS</u></b>	140 Preston Drove Brighton BN1 6FJ
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey outbuilding to rear of property.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	25/05/2021
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/02414
<b><u>ADDRESS</u></b>	29 Westmeston Avenue Saltdean Brighton BN2 8AL
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Remodelling of house incorporating the erection of: a first floor side extension and roof extension to form a lift tower; a front porch and front and rear dormers; fenestration alterations; and associated works.
<b><u>APPEAL STATUS</u></b>	APPEAL DISMISSED
<b><u>APPEAL RECEIVED DATE</u></b>	10/05/2021
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/03198
<b><u>ADDRESS</u></b>	29 Westmeston Avenue Saltdean Brighton BN2 8AL

<u>DEVELOPMENT DESCRIPTION</u>	Remodelling of the house and installation of facilities for wheelchair use including the installation of a lift and new staircase.
<u>APPEAL STATUS</u>	APPEAL DISMISSED
<u>APPEAL RECEIVED DATE</u>	10/05/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEALAPPNUMBER</u>	BH2020/02583
<u>ADDRESS</u>	24A Gloucester Road Brighton BN1 4AQ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a second floor side extension and conversion of existing flat on first & second floors (C3) to provide 2no two bedroom flats (C3) incorporating rooflights to east & west roofslopes, revised fenestration and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	25/05/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEALAPPNUMBER</u>	BH2020/03447
<u>ADDRESS</u>	36 Roundhill Crescent Brighton BN2 3FR
<u>DEVELOPMENT DESCRIPTION</u>	Erection of external spiral stair to rear elevation with alterations to upper ground-floor window to form new doorway. Erection of screen to boundary wall and enlargement of raised terrace.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	13/05/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	11 Kensington Place Brighton BN1 4EJ
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	24/05/2021
<u>APPLICATION DECISION LEVEL</u>	Not Assigned