

Planning Committee

Date: **3 November 2021**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

41 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.

42 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 6 October 2021 to be circulated separately.

43 CHAIR'S COMMUNICATIONS

44 PUBLIC QUESTIONS

Written Questions: To receive any questions submitted by the due date of 12 noon on 28 October 2021.

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

46 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

MINOR APPLICATIONS

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

INFORMATION ITEMS

- 48 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **125 - 128**
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- 49 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **129 - 130**
(copy attached).
- 50 APPEAL DECISIONS** **131 - 132**
(copy attached).

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

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FURTHER INFORMATION

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

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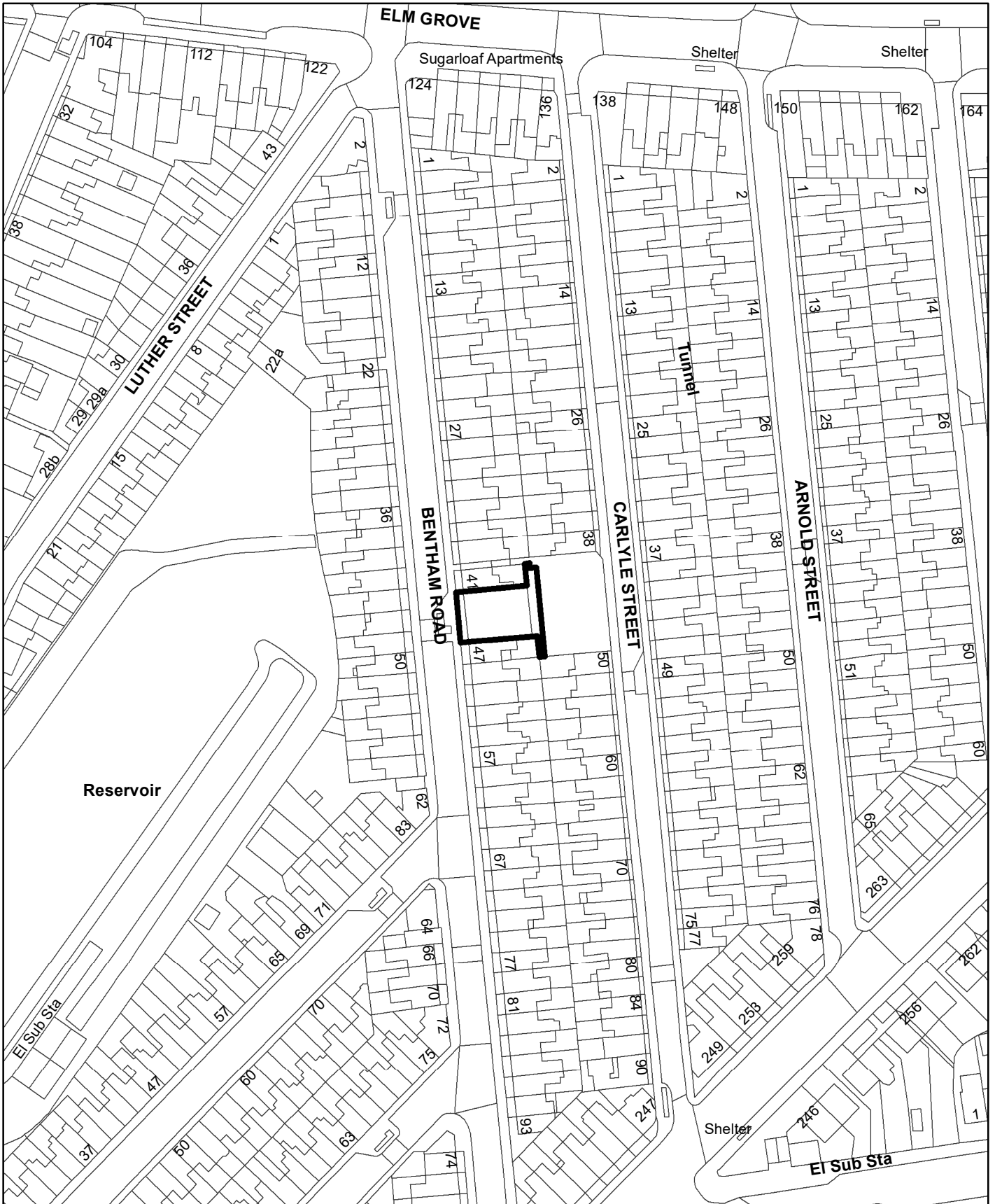
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ITEM A

**43-45 Bentham Road
BH2021/00770
Full Planning**

DATE OF COMMITTEE: 3rd November 2021

BH2021 00770 - 43-45 Bentham Road



N



Scale: 1:1,250

<u>cottNo:</u>	BH2021/00770	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	43-45 Bentham Road Brighton BN2 9XB		
<u>Proposal:</u>	Conversion of existing building to create 8no studio flats (C3) and 1no two bedroom flat (C3) incorporating single storey rear conservatory extensions, insertion of windows to front & rear elevations, rooflights to east and west roof slopes, new front boundary wall and associated works.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	03.03.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	28.04.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mike Stimpson Properties C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

1. The proposed development would fail to provide a good mix of units and would represent an overdevelopment of the site by virtue of the number and cramped size of the studio units. The studio units would provide a cramped and oppressive environment and with restricted usability. Further, the size and enclosed nature of the amenity space would be neither useable nor private. The development would fail to achieve a good housing mix and would provide a poor standard of accommodation for future occupants, contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan, Policies DM1 and DM20 of City Plan Part Two, and Policies CP14 and CP19 of City Plan Part One.
2. The proposed development would represent an unneighbourly form of development by virtue of the high concentration of smaller units which would cause unacceptable levels of noise and disturbance to adjoining occupiers. Further, as a result of the addition of rear window openings the development would result in direct and obtrusive views into the rear windows and rear gardens of the extant development to the rear and would be detrimental to the amenity of the future occupiers. The proposed development would therefore consequently be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan, and Policy DM20 of City Plan Part 2.

Informatives:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	28725/10	DB	3 March 2021
Location and block plan	28725/3	-	3 March 2021

2. SITE LOCATION

- 2.1. The application site relates to a vacant Mission Church Hall positioned in a row of terraces, located on the north side of Bentham Road. The building is approximately two storeys in height, although there are no internal partitions vertically or horizontally, with a steep pitched roof with a gable fronting onto Bentham Road.
- 2.2. The building itself appears Victorian in origin but is not a listed or locally listed. The property is rendered with all front facing window openings blocked up. The building itself is terraced, and is attached to two storey Victorian terraced buildings which front onto the western side of Bentham Road, sloping downhill to the south.
- 2.3. To the rear of the site is a vacant plot, which has consent (granted at appeal) for a new development comprising 8 flats and 1 house(BH2004/00232/FP) with associated rear gardens.
- 2.4. The property is not situated within a conservation area.

3. RELEVANT HISTORY

- 3.1. BH2020/00698 - Conversion of existing building to create 8no. studio flats (C3) and 1no two bedroom flat (C3) incorporating single storey rear conservatory extensions, insertion of windows to front & rear elevations, rooflights to east and west roof slopes, new front boundary wall and associated works. Refused 07.08.2020. The reasons for the refusal were as follows:
 1. The application fails to demonstrate adequate marketing information to justify the loss of the existing Class D1 community facility, contrary to Policy HO20 of the Brighton and Hove Local Plan.
 2. The proposed development fails to respect the character and appearance of the host building by virtue of the position and arrangement of the proposed front window openings and the design and material of the 2no Upvc lean to conservatory structures would not integrate well with the host building resulting in harm to the host building, streetscene and wider area, contrary to policy CP12 of City Plan Part One.

3.2. BH2010/00733 - Conversion of existing building to form 4 studio flats, 2no 1 bed flat and 1no 2 bed flat including insertion of additional windows to front and rear and rooflights to North and South roofslopes. Refused 06.05.2010. The reasons for the refusal were as follows:

1. The plans submitted as part of this application are inconsistent and thus fail to provide a sufficient level of information to allow for a full and considered determination of the application.
2. The application fails to demonstrate adequate marketing information to justify the loss of the existing Class D1 community facility. As such the proposal would be contrary to Policy HO20 of the Brighton and Hove Local Plan.
3. The proposed development would represent an overdevelopment of the site by virtue of the number and cramped size of units 1, 2, 3, 5 & 6. Therefore the proposal would be contrary to policy HO4 of the Brighton and Hove Local Plan.
4. The proposed development would cause an unacceptable impact on the living conditions of the future occupiers by virtue of poor levels of natural light received to the habitable rooms opening onto the rear lightwell. Therefore the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The proposed development would cause additional noise and disturbance to adjoining occupiers by virtue of the overdeveloped nature of the proposal and thus would be contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan.
6. The proposed development fails to respect the character and appearance of the host building by virtue of the removal of part of the rear wall, the creation of the rear lightwell, and the number, size and position of the proposed window openings resulting in harm to the host building, streetscene and wider area. Therefore, the proposal would be contrary to policies QD1, QD2, QD5 and QD14 of the Brighton and Hove Local Plan.
7. The proposed development fails to provide adequate external private amenity space for each of the proposed units and as such would be contrary to policy HO5 of the Brighton and Hove Local Plan.
8. The proposed development fails to demonstrate adequate compliance with lifetime homes criteria and as such would be contrary to policy HO13 of the Brighton and Hove Local Plan.
9. The proposal fails to demonstrate how the development would be efficient in the use of energy, water and materials and as such would be contrary to policy SU2 of the Brighton and Hove Local Plan.

3.3. BH2008/03599 - Conversion and extension of existing building to form 8 studio flats and 1no. 3-bed unit including insertion of additional windows to front and rear and roof lights on North and South roof slopes. Refused 17.03.2009. The reasons for the refusal were as follows:

1. The application fails to demonstrate adequate marketing information to justify the loss of the existing Class D1 community facility. As such the proposal would be contrary to Policy HO20 of the Brighton and Hove Local Plan.
2. The proposed development would represent an overdevelopment of the site by virtue of the number and cramped size of the units, particularly

having regard to the dominance of studio units. Therefore the proposal would be contrary to policy HO4 of the Brighton and Hove Local Plan.

3. The proposed development would cause additional noise and disturbance to adjoining occupiers by virtue of the overdeveloped nature of the proposal and thus would be contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan.
4. The proposed development would cause loss of privacy and overlooking to the development permitted to the rear of the site and as such would be contrary to policy QD27 of the Brighton and Hove Local Plan.
5. The proposed development fails to respect the character and appearance of the host building by virtue of the rear extension and the number, size, position and materials of the proposed window and door openings resulting in harm to the host building, streetscene and wider area. Therefore, the proposal would be contrary to policies QD1, QD2, QD5 and QD14 of the Brighton and Hove Local Plan.
6. The proposed development fails to provide adequate external private amenity space for each of the proposed units and as such would be contrary to policy HO5 of the Brighton and Hove Local Plan.
7. The proposed development fails to demonstrate adequate compliance with lifetime homes criteria and as such would be contrary to policy HO13 of the Brighton and Hove Local Plan.
8. The proposed development fails to provide adequate cycle parking in accordance with adopted standards and as such the proposal would be contrary to policies TR1 and TR14 of the Brighton and Hove Local Plan and SPG4 'Parking Standards'.
9. The proposed development fails to provide adequate refuse and recycling storage provision and as such would be contrary to policy SU2 of the Brighton and Hove Local Plan.
10. The proposal fails to demonstrate how the development would be efficient in the use of energy, water and materials and as such would be contrary to policy SU2 of the Brighton and Hove Local Plan.

- 3.4. BH2004/00232/FP - Erection of new block of 8 flats and 1 house (amendment to BH2003/02022/FP). Refused 13.08.2004. Allowed on appeal.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the conversion of the existing building to create eight studio flats (C3) and one two-bedroom flat (C3) incorporating two single-storey rear extensions, the insertion of windows to the front and rear elevations, rooflights to east and west roof slopes, a new front boundary wall and associated works.
- 4.2. As noted above, this application follows a number of previously-refused applications on the site. The main reasons for the refusal of these applications were failure to justify the loss of the existing Class D1 community facility, the overdevelopment of the site, amenity concerns for existing neighbours and future occupiers, and design concerns. An outline application on the site for the erection of six two storey houses was approved in 1981 but not implemented.

- 4.3. The most recently refused application (ref. BH2020/00698) sought the same development as is presently proposed. The current application seeks to overcome the reasons given for the refusal of that application, and has the same internal layout and number of units, but some amendments to the rear elevation.

5. REPRESENTATIONS

- 5.1. Thirty Seven (37) letters of representations have been received objecting to the proposal for the following reasons:

- Overdevelopment
- Out of character
- Overconcentration of units
- Cramped accommodation
- Potential access from Carlyle Street could compromise security
- Traffic and parking pressure
- Building should be used as a community based building
- Converted to a family dwelling
- Poor design
- No regard for the amenity of existing residents or future residents
- No real guarantee of affordable housing
- Not location for high density
- Out of character
- Noise and disturbance
- Air Quality
- Waste/recycling issues
- Litter problems
- Loss of privacy and overlooking
- There is an Elm tree at the front of the building
- There have been sightings of bats within the building and foxes on site
- No real change from previous reasons for refusal
- Alleyway will be a security risk
- Ecology
- Environmental impact
- Dwelling types do not reflect local needs
- Type of accommodation offers no investment in the community
- This application and the approved development to the rear are linked
- Lack of sustainable qualities
- Already a number of HMOs in area

- 5.2. Brighton Housing Trust have made a representation in support of the proposal for the following reasons:

- Landlord has for many years let properties to people on low incomes including clients of Brighton Housing Trust
- Affordable units
- Provides much needed housing for local people

- 5.3. **Ward Councillor Gibson** supports the proposal and has requested that the application be heard at Planning Committee.
- 5.4. **Ward Councillor Powell** has objected to the proposal and has requested that the application be heard at Planning Committee.

6. CONSULTATIONS

- 6.1. **Policy: Comment**
Consider that there is now sufficient justification for the loss of community facilities. However, the re-submitted proposals do not appear to address the previous concerns regarding quality of residential accommodation and external amenity space.
- 6.2. **Sustainable Transport: Objection**
We are unable to recommend approval of this application as it does not provide:
- car parking on site which may result in overspill parking to the local area and have an unacceptable impact on the highway.
 - a refuse and recycling collection point at the front of the site and therefore bins may be left on the highway (footway) causing obstruction to pedestrians.
- 6.3. The Highway Authority has also recommended a condition for secure cycle parking and that sustainable transport contributions via CIL are considered for this proposal if approved.
- 6.4. **Environmental Health: No objection**
- 6.5. **Arboriculture: Objection**
Further information required on how the development will impact vegetation and the mature Elm to the front of the site.

7. MATERIAL CONSIDERATIONS

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

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

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP2	Sustainable economic development
CP3	Employment Use
CP7	Infrastructure and developer contributions
CP8	Sustainable Buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing Density
CP16	Open Space
CP18	Healthy city
CP19	Housing Mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
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
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

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

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.

DM1 - Housing Quality, Choice and Mix

DM3 - Residential conversions and the retention of smaller dwellings

DM20 - Protection of Amenity

DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the loss of the existing use, the principle of the proposed use, the impact upon neighbouring amenity, the standard of accommodation which the units would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.

Principle of Development:

- 9.2. This application seeks to convert a former church hall to a residential use, providing nine dwellings. The provision of new housing is therefore a key consideration.
- 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. Because a community facility would be lost, namely the former Congregational Mission Church Hall, Local Plan policy HO20 applies which seeks the retention of community facilities with four exceptions, namely:
- a. The community use is incorporated, or replaced within a new development;
 - b. The community use is relocated to a location which improves its accessibility to its users;
 - c. Existing nearby facilities are to be improved to accommodate the loss; or
 - d. It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.
- 9.8. Where the loss is justified, the policy notes that priority will be given to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.
- 9.9. The information submitted with the application states that the original use as a community facility (church) ceased in 1975 and that it has subsequently been used for other purposes, including a St John's Ambulance HQ and the occasional storage of building materials.
- 9.10. Saved Policy HO20 in the 2005 Local Plan states that planning permission will not be granted for development proposals, including changes of use, that involve the loss of existing community facilities (which includes church halls). The policy allows for a number of specific exceptions. Options a-c do not apply in this case, whilst option d requires that it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use. The policy also states that where an exception applies, priority will be attached to residential and mixed use schemes.
- 9.11. One of the reasons for refusal of the previous application BH2020/00698 was that insufficient marketing information had been provided to demonstrate that criterion d of Policy HO20 had been met. The applicant states that the property was extensively marketed by Wilkinsons Estate Agents for approximately 3 years without attracting interest from potential occupiers within the D1 use class, but that Wilkinsons have ceased trading and it is not possible to obtain any historical marketing information.
- 9.12. Policy DM9 in CPP2 also now carries significant weight as a material planning consideration and sets out slightly different criteria from HO20, with at least one of the listed circumstances required to be met to justify the loss of any community facilities.
- 9.13. Criterion b) requires demonstration that the facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility. In this case, the building has not been in community use for over 30 years which itself provides evidence that it is no longer needed, whilst the applicant lists several other community halls and a church within easy walking distance of the site. In these circumstances, it is considered that there is sufficient evidence to satisfy Policy DM9(b) and that further evidence of marketing is not required.

Design and Appearance:

- 9.14. Policy CP12 of the Brighton & Hove City Plan Part One seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.
- 9.15. The existing building is currently in 'shell form' and any internal floors and walls which may have been in place have since been removed. In addition, the existing main floor has a number of holes in the floorboards and the building is in a general state of disrepair. The internal alterations proposed, that is the placement of two new floor levels and the internal subdivision, are not considered to cause any detriment to the host building and are considered acceptable.
- 9.16. The alterations to the front elevation remain the same as the previously refused application BH2020/00698, with the three blocked up window openings to be reinstated, and four new windows to be inserted at ground and second floor levels. However, the second-floor windows and reinstated central window would not relate well to each other, and as such, would result in a somewhat cluttered appearance. If the scheme was otherwise acceptable, it may be that this could be
- 9.17. To the rear, it is proposed to provide four new windows at first and second floor levels along with a door. The size and arrangement of the proposed rear fenestration and the timber material is generally considered acceptable and in keeping with the building.
- 9.18. The design, scale and materials of the rear extensions would integrate well with the host building, and would have rendered walls to match the rear elevation with pitched roof and bay windows. There is no objection to the proposed front boundary treatment with a low rendered wall with pillars and railings. The rooflights would sit appropriately in the roofspace and would not be highly visible and are considered acceptable.
- 9.19. Overall, therefore, the design and appearance of the scheme is acceptable, subject to alterations to the front fenestration which it is considered could be amended if the remainder of the proposal was considered acceptable.

Standard of Accommodation

- 9.20. Policy QD27 of the Brighton and Hove Local Plan, and emerging Policy DM20 of CPP2 (which can be given significant weight) aim to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.

- 9.21. The Nationally Described Space Standards, although not yet formally adopted by the Council, do provide a useful guide against which to assess the overall unit size and bedroom sizes, particularly as they are referred to in emerging Policy DM1 of City Plan Part 2 (which can be given significant weight).
- 9.22. The proposed development would include the provision of eight studio units and a two-bedroom flat. Four studio flats are proposed at ground floor level, four studio flats at first floor level, and a two-bedroom flat within the roofspace. The number of units and internal layout remains the same as the layout under the previously refused application BH2020/00698.
- 9.23. The proposed residential conversion, providing nine units in a three-storey building, including the roof, is considered to form a poor, contrived and cramped layout, suggesting overdevelopment of the site. It is acknowledged that the gross internal floor area of the studios meets the NDSS's suggested minimum requirement of 37sqm. However, when assessing the indicative layout of the units it is particularly clear that the units would result in a poor standard of accommodation with tight/cramped layouts, limited circulation space, and limited floor space to accommodate the furniture needed. The units are also single aspect and with some units (particularly the front facing studios and the rear units at first floor) featuring small window openings, which would result in oppressive living conditions.
- 9.24. The two-bed units feature sun pipe terminals in the roof to try to gain adequate light. The studio accommodation exhibits a cramped and oppressive layout, with the useable floor area limited when the shower/wc is excluded, and likely to be unable to comfortably accommodate the living accommodation and furniture typically needed, which is shown by the placement of the beds against the other furniture. The small window openings to serve the rooms further adds to the sense of enclosure and a cramped and oppressive environment, limiting the quality of light and outlook. Further, the two rear ground floor studio units have large rear window openings which back onto the rear communal patio, which would likely result in overlooking and loss of privacy by the occupants of the units. This is particularly pertinent given that they are the sole window openings to serve the units.
- 9.25. The two-bed flat within the roofspace is of a size which meets the NDSS's suggested minimum for a four-person, two-bed flat, and would be capable of providing family accommodation. However, this shows that the building could be converted to provide a mix of units with acceptable standard of accommodation. A reduction in units would allow for a reconfiguration of the internal space and an opportunity to provide less cramped, higher quality living conditions.
- 9.26. City Plan Part One Policy CP14 outlines that residential development should still be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case-by-case basis. The proposal would not include dwelling types and sizes that reflect identified local needs. Paragraph 4.202 of the supporting text of the policy CP19 (Housing Mix) sets out that, 'the council gives a high priority to the importance of achieving a good housing mix and a choice of housing (in terms of types and sizes of accommodation) in order

to meet the diverse accommodation needs of the local community'. As discussed above this scheme fails to provide a good housing mix, contrary to policy CP19.

- 9.27. Policy HO5 and emerging Policy DM1 of CPP2 require private, useable amenity space to be provided 'where appropriate to the scale and character of the development'. The proposal does not include any private amenity space as part of the proposal but does include a narrow communal open area to the rear which includes refuse and recycling and cycle storage which would make this space fairly redundant as a usable amenity area. The space appears very cramped and would likely be overshadowed and overlooked by both the existing building and the proposed development to the rear. The space would be neither useable nor private. This arrangement is not ideal or considered to be acceptable and therefore a revised scheme would need to assess how the units could achieve some form of external space.
- 9.28. Overall the standard of accommodation proposed is not considered to be acceptable and warrants the refusal of planning permission on these grounds. The units would not provide for a suitable standard of accommodation and would fail to meet the needs of future occupiers, contrary to Local Plan Policies QD27 and H05, and Policies DM1 and CM20 of CPP2 which can be given significant weight.

Impact on Neighbouring Amenity:

- 9.29. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This is reflected in emerging Policy DM20 of CPP2.
- 9.30. Policies SU9 and SU10 of the Local Plan are concerned with development that could cause pollution and nuisance, for example by way of odours, or which could cause a noise nuisance to occupiers of nearby noise sensitive premises.
- 9.31. The external works and fenestration changes to the front elevation would not result in amenity harm, including in terms of loss of privacy. The proposed rear extensions would not result in overshadowing or loss of light. The positioning of the rooflights would not result in direct views into neighbouring windows.
- 9.32. However, it is considered that the high concentration of smaller units would have a detrimental impact on the neighbouring properties by virtue of increased noise and disturbance, which would be of detriment to neighbouring properties. The use of the site with such a high number of smaller units would result in an unacceptable level of noise and disturbance. Whilst it is acknowledged that occupants would likely come and go at different times of the day, the resultant level of activity and movements would result in harm to the surrounding neighbours, particularly given the constrained nature of the site.

Impact on Development to the Rear:

- 9.33. There is an extant, partly implemented planning permission for 8 flats and 1 house (BH2004/00232/FP) on vacant land to the rear of the site fronting Carlyle

Street. The interrelationship between the present proposal and the approved scheme to the rear must therefore be assessed.

9.34. The approved building is set to the rear of the application site, with rear gardens extending directly to the common boundary. As a result, the present proposal would have little useable outside space for amenity or other provisions. The proposed amenity space would be overshadowed and overlooked by the approved development to the rear. The rear window openings proposed in the present scheme would result in direct and obtrusive views into the rear windows and garden space of the approved development to the rear.

9.35. The proposal would therefore fail to comply with Policy QD27 of the BHLP and policy DM20 of CPP2 (of which can be given significant weight) which seeks to ensure that there would be no significant or adverse impacts or loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Sustainability:

9.36. A store is being proposed for refuse and recycling at the rear in the yard; however it is unclear where the bins would be placed on collection day. 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. If approval were recommended details of this would be sought as refuse bins must not be left, even temporarily, on the highway as it will cause obstruction to users of the footway.

Ecology:

9.37. 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.

9.38. The applicant has submitted a Biodiversity checklist which identifies that the existing site does not show signs of any protected species being located on site. Concerns have been raised through consultation that there may be some protected species on site and if approval were recommended further assessment of this would be sought from the applicant and assessed by the ecology consultee. There is a mature Elm tree and located directly to the front of the property. The Arboriculture Officer has raised concern that the development could result in harm to the Elm tree and vegetation at the front of the property with the front boundary wall and associated works being particularly pertinent. No information has been provided on how works will be undertaken without causing a detrimental impact to vegetation in close proximity. If approval were recommended full construction information and methodology could be sought through conditions or revisions sought to ensure the development did not result in a harmful impact to vegetation.

Sustainable Transport:

9.39. The proposed change of use to nine dwellings would significantly increase the level of trips to and from the site, though not to a degree considered to compromise highway capacity or road safety sufficiently to warrant refusal. The

development would generate off-site transport impacts, the mitigation of which would be secured via Community Infrastructure Levy which funds identified highway schemes required in the local area. The site is located within Controlled Parking Zone (V) where uptake of parking permits is high. The number of vehicles able to be parked in the area is therefore already limited through the CPZ.

- 9.40. The Highway Authority have concerns that the proposed layout and design of the proposed cycle parking does not provide adequate space to accommodate policy compliant cycle parking. There appears to be sufficient space at the rear in this proposal to accommodate all required cycle parking and if approval were recommended this could be secured via condition.

Affordable Housing:

- 9.41. The Planning Statement indicates that all nine proposed residential units will be offered as social rented properties through the Rent Smart Partnership Agreement scheme. This would exceed the affordable housing requirements set out in Policy CP20 which requires a financial contribution equivalent to 20% for schemes of between 5 and 9 dwellings. The provision of additional affordable housing would be welcome and if approval were recommended would be secured through a s106 agreement.

Community Infrastructure Levy:

- 9.42. 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 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.

Conclusion:

- 9.43. The LPA in accordance with the principles set out in the NPPF and local planning policies seeks to ensure a high standard of amenity of future occupiers of developments. It is clear from the above that in seeking to provide nine units within the building, the development results in a number of compromises, particularly with regard to the overall quality of accommodation being provided and harm to neighbouring amenity. When assessing the indicative layout of the units it is particularly clear that the units would result in a poor standard of accommodation, resulting from a total overdevelopment of the site, with tight/cramped layouts, limited circulation space, limited floor space to accommodate the furniture needed and limited light. The scheme would not provide a suitable mix of unit sizes and thereby compromises the standard of accommodation.

10. EQUALITIES

- 10.1. Access standards are not sought on conversions.

Cllr. David Gibson
BH2021/00770 – 43-45 Bentham Road

15th March 2021:

I request that this planning application (BH2021/00770) is heard by planning committee if you are minded to reject it. Whilst there are a balance of factors I support the application because:

- 1) It provides 100% much needed affordable rented housing at rents under the local housing allowance
- 2) I understand that it is supported by Brighton Housing Trust
- 3) Tenants are accepted without deposits or rents guarantees and may be referred through the good landlord scheme

For me these are important benefits which at a time of housing crisis are to be had from building that has been empty for over 20 years and that by supporting the application it will ensure that the benefits can be assessed properly by the councillors on the planning committee and weighed up alongside any drawbacks.

Cllr. Steph Powell
BH2021/00770 – 43-45 Bentham Road

29th March 2021:

I should like to lodge my objection as one of the ward councillors, to the above planning application.

My objection is on the following grounds:

1. The proposed development fails to respect the character and appearance of the host building by virtue of the position and arrangement of the proposed front window openings and the design and material of the 2no UPVC lean-to conservatory structures would not integrate well with the host building, resulting in harm to the host building, street scene and wider area, contrary to policy CP12 of City Plan Part One.
2. The proposed development fails to provide a mix of units, and would represent an overdevelopment of the site by virtue of the number and cramped size of the studio units. The size and enclosed nature of the amenity space would be neither useable nor private. I'm very concerned about potential fire hazards.
Further, the bin store area is located a fair way from where City Clean collect waste and recycling. The size of the bin store is inappropriate for nine units (potentially up to 20 people - max two people per studio and four people in the two bed unit). This is likely to result in harm to the host building, street scene and wider area. The development would fail to achieve a good housing mix and would provide a poor standard of accommodation for future occupants, contrary to policies CP14 and CP19 of City Plan Part One and QD27 and HO5 of the Brighton and Hove Local Plan.
3. The proposed development would represent an unneighbourly form of development by virtue of the high concentration of smaller units which would cause noise and disturbance to adjoining occupiers and thus would be contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan.
4. Finally, a huge and majestic Elm tree sits right at the front of the current site. This absolutely must be retained. The biodiversity survey as listed in the documents does not acknowledge the bats and foxes which I believe have been spotted on the site, as well as a number of different species of birds. If this development were to go ahead then I believe that it would be contrary to the biodiversity and carbon reduction policies as set out in City Plan Part 2.

As such there appears to be little or no change to the provision or layout of the units in this resubmission, and I would be grateful if you would please add my comments to the Planning Portal.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

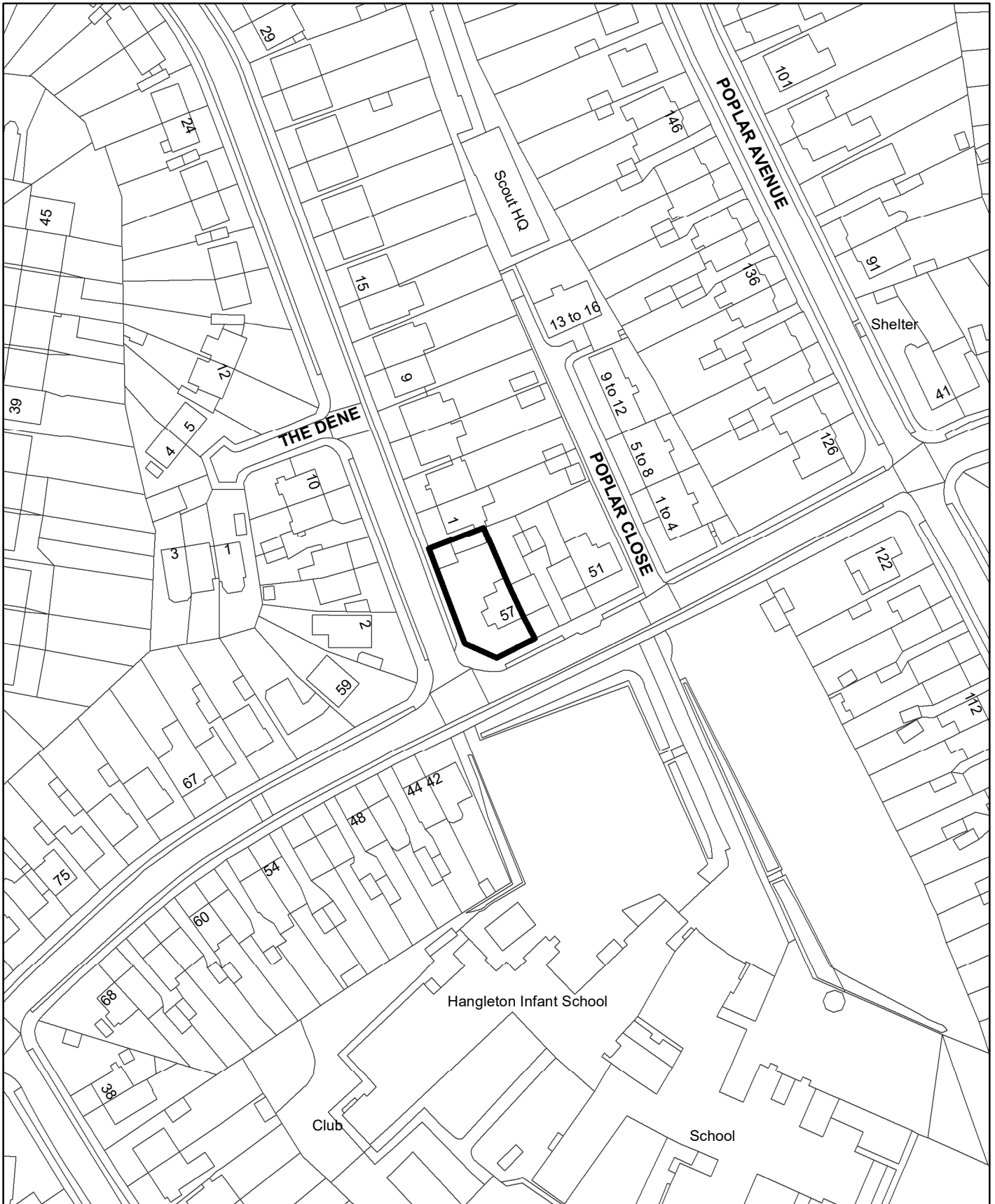
I would also like to request that this planning application (BH2021/00770) is heard by the Planning Committee if you are minded to reject it, and I would like to be invited to speak at committee in order to stress my objection.

ITEM B

**57 Northease Drive
BH2021/00617
Full Planning**

DATE OF COMMITTEE: 3rd November 2021

BH2021 00617 - 57 Northease Drive



N



Scale: 1:1,250

<u>No:</u>	BH2021/00617	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	57 Northease Drive Hove BN3 8PP		
<u>Proposal:</u>	Change of use from existing 6no bedroom small house in multiple occupation (C4) to 7no bedroom large house in multiple occupation (sui generis). Erection of a two storey side extension and single storey rear extension.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	09.03.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	04.05.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	JDRM Architects Studio 8 Beaconsfield Studios 25 Ditchling Rise Brighton BN1 4QL		
<u>Applicant:</u>	A Ward 57 Northease Drive Hove BN3 8PP		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	2142(11)1000		23 February 2021
Proposed Drawing	2142(21)1000	B	16 August 2021
Proposed Drawing	2142(31)1000	A	16 August 2021

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

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

3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 2142 (31) 100 rev A, and shall be retained as such thereafter. The layout shall be retained as communal space at all times and shall not be used as bedrooms.

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

4. The HMO unit hereby approved shall only be occupied by a maximum of seven (7) persons.

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

5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

6. The development hereby permitted shall not be occupied until the extended crossover and access has been constructed.

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

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

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

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the

Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

3. 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 relates to a two-storey, semi-detached property fronting Northease Drive, located on a corner plot of land on the junction of Northease Drive and Spencer Avenue. There is an Article Four Direction in place restricting the conversion of single dwellinghouses to houses in multiple occupation (HMOs)(planning use class C4, or sui generis (outside of a use class)).

3. RELEVANT HISTORY

- 3.1. **BH2020/00820-** Erection of a two storey, 2no. bedroom dwelling (C3) attached to the west elevation of the existing no.57 Northease Drive, with associated works. Refused 04.06.2020. The reason for the refusal was as follows:

1. The proposed dwellinghouse would, by virtue of its scale and siting represent a visually incongruous and prominent addition to the streetscene that would disrupt the pattern of development and erode the open, spacious character of the corner of Northease Drive and Spencer Avenue. Accordingly the proposal is considered to be contrary to policies CP12 and CP14 of the City Plan Part One.

This application was the subject of an appeal to the Planning Inspectorate (W/4001441).

The appeal was dismissed on 14.01.2021.

- 3.2. **BH2020/00533-** Erection of 1no one bedroom dwelling (C3) incorporating parking and associated works. Refused 15.04.2020. The reasons for the refusal were as follows:

1. The plot size, footprint and scale of residential redevelopment of the site would not be in keeping with the character and appearance of the wider area and prevailing pattern of development. This would lead to a cramped form of development and would have a detrimental impact on the surrounding area. The plot is unable to accommodate a residential dwelling which is in keeping with the wider area, compromising on the quality of the proposed accommodation in terms of layout. As such, the proposal is contrary to policies CP12, CP14 and CP19 of the City Plan Part One and QD5 and QD27 of the Brighton and Hove Local Plan.
2. The proposed residential unit due to its constrained layout would provide a poor standard of accommodation which would harm the amenities of future occupiers contrary to policy QD27 of the Brighton and Hove Local Plan.

- 3.3. **BH2019/03085-** Erection of 1no two bedroom dwelling (C3) incorporating parking and associated works. Refused 11.12.2019. The reasons for the refusal were as follows:
1. The proposal, by reason of its constrained plot size and the plot coverage of the proposed dwelling would fail to respect the established pattern of development and urban grain of the local area which is characterised by mid-size properties within spacious plots that include lengthy rear gardens. This would detract from the established character of the streetscene and would appear as an incongruous addition that is contrary to policies CP12 and CP14 of the Brighton and Hove City Plan Part One.
 2. The proposed dwellinghouse, due to its lack of a usable, private rear garden would be overly reliant on the garden area to the front of the property which create a poor standard of amenity space. This substandard outside amenity space is contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
 3. The proposed dwellinghouse due to its height and proximity with existing buildings would present as dominant and overbearing addition, creating a perceived loss of privacy and actual loss of light to occupants of Nos.55 and 57 Northease Drive, contrary to policy QD27 of the Brighton and Hove Local Plan.

4. APPLICATION DESCRIPTION

- 4.1. This application seeks consent for the change of use from existing six-bed 'small HMO' (use class C4) to a seven-bed 'large HMO' (sui generis – no use class). External alterations are proposed to facilitate the change of use including the erection of a two-storey side extension and single storey rear extension.
- 4.2. During the course of the application the scheme has been amended from an eight-bed HMO to a seven-bed HMO, which included omitting one bedroom at second floor level. This followed discussions over the concern of the impact of the proposal on neighbouring amenity.

5. REPRESENTATIONS

- 5.1. Eight (8) letters of representations have been received objecting to the proposal for the following reasons:
 - Parking issues
 - Traffic and highway safety issues
 - Poor cycle provision
 - Loss of light and sunlight
 - Devalue property prices
 - Poor design
 - Loss of privacy
 - Increased noise
 - interrupt the sensitive spacing

- Out of character
- Plot cramped and at odds with streetscene
- Significant side extension
- Density at odds with prevailing character of the area
- Built form and footprint out of scale, bulk and jarring
- Disrupt the streetscene, unbalanced and visual prominence
- Poor amenity space
- Poor standards for residents
- Back land 'land-grab'
- Existing property in poor condition

5.2. **Councillor Barnett** has objected to the proposal on the grounds of; plot size, out of character with the area, lack of outside amenity and loss of privacy; extensions will cause obstruction; parking and safety issues and that the application is essentially the same proposal as those previously refused.

6. CONSULTATIONS

6.1. Transport Verbal:

No objection subject to recommended 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 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
CP9	Sustainable transport
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

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 and Mix
DM7	Houses of Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relates to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport impacts of the proposal.

Principle of Development:

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

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

- 9.3. A mapping exercise has been undertaken which indicates that there are no existing HMOs within a 50m radius of the application property.
- 9.4. Based on no properties within 50m of the site being in HMO use, the change of use to a seven-bed large HMO (sui generis) would not conflict with policy CP21.

Design and Appearance:

- 9.5. Policy CP12 of the Brighton & Hove City Plan Part One seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City Plan seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.
- 9.6. The property features an existing two-storey side extension, visible from both Northease Drive and Spencer Avenue because of the openness of the site. The extension is relatively small, with a ridgeline subservient to the main dwelling.
- 9.7. The proposed replacement two-storey side extension would maintain the building line on Northease Drive, but would increase the side projection to come forward of the building line on Spencer Avenue by approximately 1m. However, the building fronts Northease Drive and is viewed separately to properties on Spencer Avenue so it is not considered the extension would be detrimental to the character of its streetscene.
- 9.8. The two-storey extension would emulate the form and appearance of numbers 55 & 57 Northease Drive in terms of roof-form, fenestration pattern and form. It is also acknowledged that the presence of the existing two storey side extension, albeit smaller than the proposal, does already result in an unbalance of the existing pair of semi-detached houses. The two-storey side extension would be set in from the front building line and set in appropriately from the boundary so that the openness of the site is maintained.
- 9.9. The single-storey full width rear extension would be appropriate in design, form and detailing and with both extensions complimenting one another.
- 9.10. It is noted that in the previous refusals and the subsequent appeal for the new dwelling on the site, concerns were raised with regards to the excessive bulk and extension beyond the building line of the Spencer Avenue streetscene. The present proposal is considered to overcome these concerns, significantly reducing the scale of the extension so that it is now considered acceptable in design terms.
- 9.11. The overall design approach, scale, appearance, roof form, materials and features of the extensions would be proportionate and would fit appropriately

with the building and within the streetscene, in accordance with policy CP12 of the Brighton and Hove City Plan Part One and policy DM21 of CPP2 (which can be given significant weight).

Standard of Accommodation:

- 9.12. 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.
- 9.13. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m. Rooms are also assessed for their ability to provide suitable room to circulate within them by future occupants.
- 9.14. The changes to the internal layout and extensions of the property would result in an open plan kitchen/living/dining area with three bedrooms and two en-suites at ground floor level, and four bedrooms and two bathrooms at first floor level.
- 9.15. The communal area at ground floor would measure approximately 41.2sqm in area which is considered sufficient for a seven person occupancy. The space would be functional with good levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. The six bedrooms proposed meet the government's minimum space standards. Whilst it is noted that one bedroom at first floor level measures 6.9sqm which is slightly below the standards (normally requiring 7.5m²), the indicative floorplans does show that the room could easily contain the furniture needed and with adequate circulation space and therefore is considered acceptable in this instance. All of the bedrooms would have good levels of natural light and outlook.
- 9.16. Whilst adequate in size, if the communal areas were converted to bedrooms in the future this would restrict the level of shared space available to occupants. Therefore, a condition is recommended restricting the use of the communal areas to ensure that alterations to the layout are not made at a later date that reduces the amount of communal space provided for the occupiers. A condition has also been recommended restricting the overall property to seven people to safeguard the impact upon neighbouring amenity.
- 9.17. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan and emerging policy DM1 of CPP2 (of which can be given significant weight).

Impact on Amenity:

- 9.18. Policy QD27 of the Brighton & Hove Local Plan and emerging policy DM21 of City Plan Part 2 (that 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.

- 9.19. The proposed change of use from existing six bed small HMO to a seven bed HMO would result in a more intensive use of the property. However, it is not considered that the increased noise/disturbance would be sufficient to warrant refusal of the application.
- 9.20. As already noted, Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use to a sui generis House in Multiple Occupation, provided that there is not an excessive proportion of neighbouring dwellings in HMO use (over 10% within a 50 metre radius). The application accords with policy CP21 in this regard and any increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm.
- 9.21. The external alterations to facilitate the change of use includes the erection of a two storey side extension and single storey rear extension. The extensions to the property are set at a sufficient distance from any neighbouring properties to ensure there would be no harm to amenities in terms of overshadowing or loss of outlook or light. It is acknowledged that in suburban areas there will always be a degree of mutual overlooking and it is considered that the nearest neighbours, no.1 Spencer Avenue and no.55 Northease Drive, are a sufficient distance from the proposal that there would not be any harm to the amenities of these occupants from overlooking or loss of privacy.
- 9.22. Overall whilst there may be some limited impacts over and above those which exist at the site, the impact on amenity of neighbouring occupiers is not considered to be so detrimentally significant as to warrant refusal of the application.

Sustainable Transport:

- 9.23. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be considered to be minimal.
- 9.24. The site is located outside a Controlled Parking Zone (CPZ) and the proposed level of car parking (two spaces) is policy compliant.
- 9.25. Concern has been raised through consultation that there is existing situation with overcrowding of vehicles in the area which is exacerbated in the mornings and mid-afternoons by the presence of the nearby Hangleton Primary School which has a drop-off point opposite No.57 Northease Drive. These issues are all acknowledged but are not considered grounds for refusal of the current proposal.
- 9.26. The existing crossover would need to be amended to accommodate the proposed parking area for 2 cars and therefore the extended crossover condition has been attached to the permission. The Highway Officer has requested a condition for posts to be installed either side of the highway tree to stop people parking on the verge and for a condition to be attached to ensure a footway is installed from the car parking area to the dwellinghouse. However, given that

this is an existing situation and the small scale nature of the development this is not considered necessary in this instance.

- 9.27. The submitted plans indicate two cycle parking spaces however this provision should be increased to seven spaces and therefore full details have been secured via condition.

10. EQUALITIES
None identified

Cllr. Dawn Barnett
BH2021/00617 – 57 Northease Drive

23rd March 2021:

I am writing to state my objection to the above development application in my ward of Hangleton & Knoll.

I note that this is the fourth application relating to this site, with the previous three rejected.

Previous applications, all rejected, include:

- BH2019/03085
- BH2020/00533
- BH2020/00820

You would be aware of my objections to the previous development applications. These objections were also shared by council on at least one occasion.

My view is that nothing has significantly changed in this latest version that would warrant a different decision.

The development continues to breach council guidelines including policies CP12 and CP14 (plot size); and QD27 and HO5 (outside amenity space and privacy). The proposed development is out of character with the area, a significant concern to nearby residents and this application should be rejected.

- It is essentially the same application except now rebranded an 'extension' to the property.
- The number of additional residents will still be the same in addition - a total 8 people providing 2 car spaces.
- The extensions will still cause obstruction in the blind corner projecting beyond the rest of the houses in Spencer Avenue.
- Parking is not possible on both sides of Spencer Avenue as large vehicles like ambulance, fire brigade, etc cannot pass thus causing safety issue.

The continued development applications for this site are causing distress to my constituents. It is an unfair burden on my constituents that they should have to continue to write objections to what is essentially the same proposal – to build in the garden of 57 Northease Drive Hove.

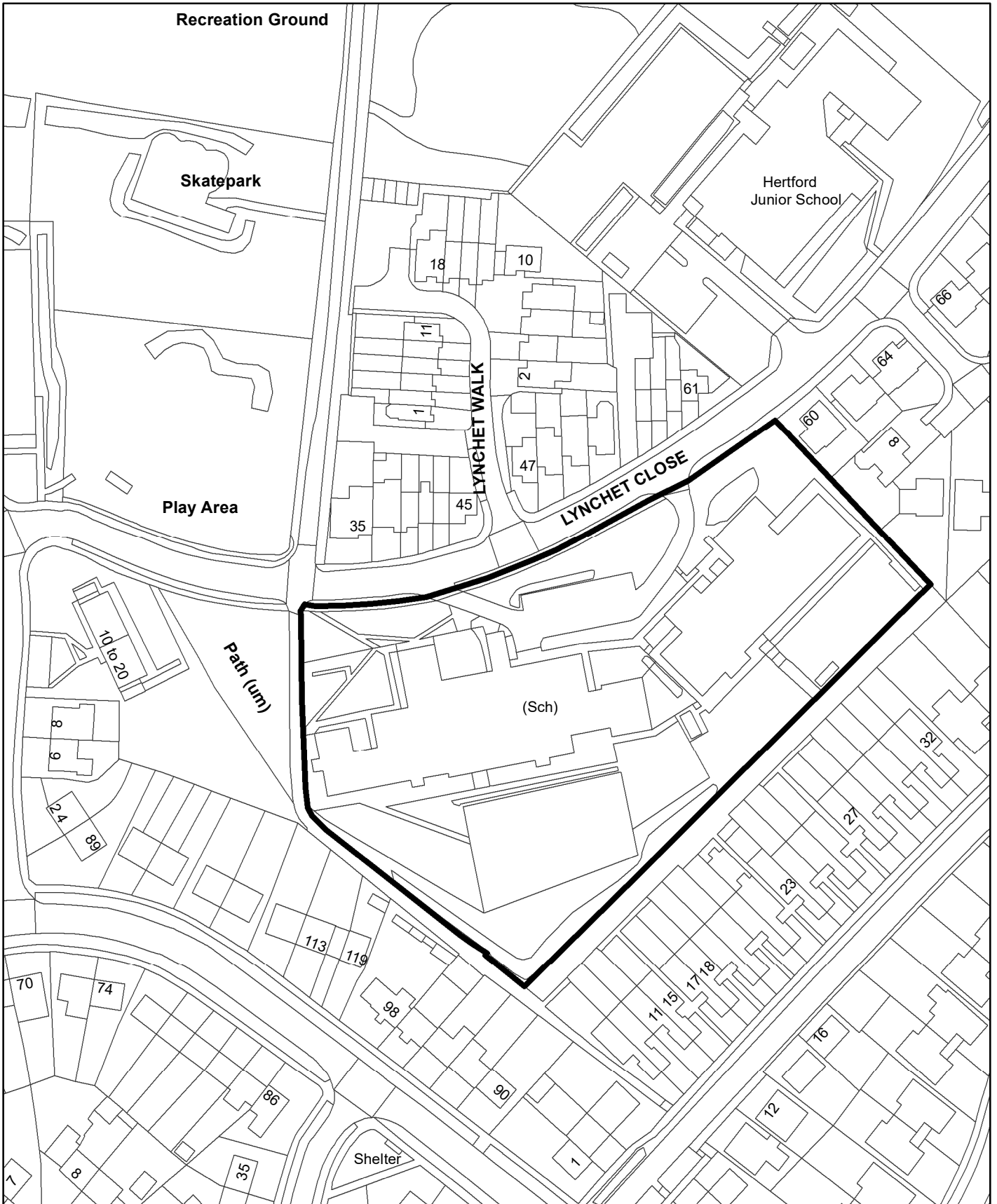
I hope that you can make a definitive ruling against the applicant to put my constituents' minds at ease and I would be happy to discuss my objection with you further.

ITEM C

**Cedar Centre, Lynchet Close
BH2021/03029
Full Planning**

DATE OF COMMITTEE: 3rd November 2021

BH2021 03029 - Cedar Centre, Lynchet Close



N



Scale: 1:1,250

<u>No:</u>	BH2021/03029	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Cedar Centre Lynchet Close Brighton BN1 7FP		
<u>Proposal:</u>	Extension and re-modelling of existing school building including erection of first floor extension, new perimeter fencing, revised parking layout and refurbishment of elevations.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	31.08.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	26.10.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Head Of Education Capital Property And Design Brighton And Hove City Council Hove Town Hall Hove BN3 4AH		
<u>Applicant:</u>	Head Of Education Capital Property And Design Brighton And Hove City Council Hove Town Hall Hove BN3 4AH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	001		18 August 2021
Location Plan	002		18 August 2021
Block Plan	003		18 August 2021
Block Plan	004		18 August 2021
Proposed Drawing	006		18 August 2021
Proposed Drawing	008		18 August 2021
Proposed Drawing	010		18 August 2021
Proposed Drawing	011		18 August 2021
Proposed Drawing	012		18 August 2021
Proposed Drawing	015		18 August 2021
Proposed Drawing	018		18 August 2021
Proposed Drawing	021	A	5 October 2021
Report/Statement		Design & Access	5 October 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, panelling, render and tiling (including details of the colour of render/paintwork/panelling to be used)
 - b) details of all roofing to be used, including details of material, seaming, thickness and colour.
 - c) details of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) details of the proposed gullwing canopy
 - f) details of the proposed cantilever canopy
 - g) details of all the proposed external fencing (including material, colour and design)
 - h) details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

5. The development hereby permitted shall not be occupied until the disabled parking facilities shown on the approved plans have been fully implemented and made available for use. The disabled parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

6. The development hereby permitted shall not be occupied until a car park layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of disabled parking, minibuss parking, staff and visitor parking. These spaces should be clearly demarcated on the plans and swept path drawing provided to demonstrate that a minibus can manoeuvre out of the proposed spaces. The approved scheme 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 all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and SPD14 Parking Standards and CP9 of the City Plan Part One.

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.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 relates to The Cedar Centre which is a co-educational state special school for boys and girls from 4 -16 years of age, located on the southern side of Lynchet Close. It is not within a conservation area, and does not have any relevant Article 4 directions in place removing 'permitted development' rights.
- 2.2. The school has a capacity of 70, and currently has 69 pupils on roll, and has four staff. Neither the school roll or staff numbers are proposed to increase as part of this application.
- 2.3. The site slopes downwards to the south. To the immediate east of the site is the Central Hub educational facility which is single storey. The surrounding area is predominantly residential and educational with an eclectic mix of housing styles that are two and three storeys in height, with further blocks of apartments which are three storeys in height. To the north east lies the Hertford Junior School which is also single storey, and to the west is Hollingdean Children's Centre, backing onto Hollingdean Park.

3. RELEVANT HISTORY

- 3.1. BH2017/01104 - Erection of terrace of 6no four bedroom houses (C3) and two storey building comprising 2no two bedroom flats (C3) with associated car parking. Approved
- 3.2. BH2000/01765/CD/FP - Replacement of existing windows and doors with UPVC units to match those already installed. Approved
- 3.3. BH1998/00985/CD/FP - Remove existing chain-link fence in south west corner and erect 3m high replacement chain-link nearer to site boundary. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the extension and re-modelling of the existing school building, including the erection of a first floor extension, new perimeter fencing, revised parking layout and refurbishment of elevations.
- 4.2. The design is led by the requirement for the existing classroom capacity to increase from 7 to 10. This would allow the separation of entrances for younger and older pupils, and extra vocational areas combined with new therapy and art rooms. The updating of the elevations and internal remodelling would enhance the pupil and staff experience and improve the appearance of the property, with the new fencing to the boundaries increasing the security and integrity of the school.
- 4.3. The supporting documents have been amended during the course of the application to clarify that there is no proposed increase in pupil or teacher numbers as part of this application which would remain at 70 pupils and 4 Staff.
- 4.4. The plans have also been amended during the course of the application to take into account comments and changes requested by Transport Planning.

5. REPRESENTATIONS

- 5.1. **Six** (6) unique letters objecting to the proposed development on the following grounds:
 - Height
 - Noise
 - Impact on property value
 - Overshadowing
 - Overdevelopment
 - Would affect views
 - Poor design
 - Too close to boundary
 - Traffic generation and parking

- 5.2. These objection letters were submitted while the original Design & Access Statement was available for public viewing and many refer to issues caused by the assumed extra pupils, which is not the case, there is no proposed increase in existing capacity.

6. CONSULTATIONS

- 6.1. **Economic Development** - Have no comment to make on this application 13/09/2021
- 6.2. **Transport Planning** - Final Response: No objection. 07/10/2021
Recommend approval subject to the inclusion of the following conditions.
- Cycle parking implementation
 - Disabled Parking
 - Car Park Layout Plan
- 6.3. 2nd Response - Further information required. 04/10/2021
Regarding teacher numbers and layout of parking.
- 6.4. 1st Response - Further information required. 24/09/2021
Regarding pupil numbers and layout of parking and gates.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES

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
CP13	Public streets and spaces

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

TR7	Safe Development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of Amenity
CP10	Biodiversity

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
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, its impact on the appearance and character of the building and the wider area, the impact on the amenities of adjacent occupiers and the highway impacts of the revised parking arrangements.

Principle of the Development

- 9.2. Paragraph 95 of the NPPF notes the following:

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should (a) give

great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications."

- 9.3. The government's Policy Statement - 'Planning for Schools Development' adds to this, noting that local authorities 'should make full use of their planning powers to support state-funded schools' applications'.
- 9.4. The enhancement of the school proposed in the present application must, therefore, be given significant weight.

Design and Appearance

- 9.5. The main change in appearance proposed is the increase in height of a building facing Lynchet Close to two storeys in height with a large, pitched roof over, and amendments to its cladding and fenestration. Internally the building would be completely remodelled.
- 9.6. The current front elevation is set on a slope, is single storey in height, relatively low key and uniform with little of architectural interest. The proposed extension would be bold in form, colour and materials, contrasting with the existing buildings on site which are single storey, flat-roofed, and functional. The roof would be dual pitched with an offset ridge and have standing seam metal panels. The first floor would be cantilevered on both sides, with metal support poles below, with a larger footprint than the ground floor.
- 9.7. The elevational finish would bring in elements of cladding coloured purple, to match the school logo, and areas of bare brickwork. The purple colour is an addition to the elevation that is not currently represented in the street scene and would be in contrast to the rest of the buildings' palettes. It would highlight the new structure and bring architectural interest to the remodelled school, while being a relatively small part of the elevational treatment, so is considered appropriate. The structure would be located on the school frontage, but still set substantially back from the highway and forming a minor part of the overall school structure and footprint.
- 9.8. The proposed structure would extend the building slightly forward towards the Lynchet Close to the north but would still be a substantial distance from any of the surrounding educational and residential properties. It would provide the required extra space for the school in a contemporary form, adding interest and a focal point to the existing streetscene.
- 9.9. The new elevational treatments to the remainder of the school would match the proposed two storey structure in overall design and materials, with the use of new ppc aluminium fenestration and Rockpanel infill panels to the elevations of the reconfigured classrooms considered acceptable. The area has no predominant design style or form with an eclectic mix of two and three storey properties exhibiting varying forms of roof, elevational material and colour. The new elevations and the proposed gullwing canopy would bring further relief to the front and side elevations, breaking up what could appear as a large and uninteresting facade.

- 9.10. The further external works to erect new 2.7 metre cantilever canopies to the majority of the North, South and West Elevations are acceptable in design and appearance, while providing solar screening and covered exterior walkways.
- 9.11. The proposal sees changes to the parking layout with additional spaces, including disabled and minibus parking provision. New cycle storage is proposed, and the bin store would be relocated. All these elements are acceptable and cause no design harm in excess of the existing layout. The plans have been amended during the course of the application following comments from Transport Officers, which requested the provision of disabled parking and the access gate setting back a minimum of 5.5m from the public highway, both of which have been addressed.
- 9.12. The existing site has a mix of metal chain link boundary fencing, playground fencing and metal stake fencing. The proposed new boundary fencing to all the boundaries would be open mesh fencing measuring 2.4 m in height. The proposed sliding access gates would be powder coated weld mesh gates, measuring 2.4m in height.
- 9.13. This fencing and gates would be located within the site boundary, but further north than the existing and nearer to the public highway. The introduction of high fencing in areas that are unobstructed at present would reduce the sense of openness, but allow a high degree of visibility through to the school buildings, with far reaching views to the sea remaining. Similar forms of gates and fencing are already present at the Hertford Junior School to the north east. The benefits of increased security to the school are considered to outweigh any harm to the streetscene, particular in the context of an educational establishment where such fencing is to be expected.
- 9.14. The new playground open mesh fencing would be 3m in height and appropriate in design. The new timber fencing proposed for the cycle store/bin store is appropriate as is the lower timber fencing set forward of the front elevations.
- 9.15. A condition would be attached to any planning permission requiring full details of the proposed external materials prior to commencement of development to ensure the final materials, design and colours are appropriate.
- 9.16. Overall, the proposed works are considered to be suitable additions to the building that would not significantly adversely harm its appearance or that of the wider area, in accordance with policies QD5, QD14, TR7, TR12, TR14, TR18 of the Brighton & Hove Local Plan, Policies DM21, DM33 and DM36 of CPP2, and Supplementary Planning Documents SPD12 and SPD14.
- 9.17. Policies DM21, DM33 and DM36 are part of the Proposed Submission City Plan Part Two which is gathering weight. Policy DM21, DM33 and DM36 are considered to have significant weight at this stage.

Impact on Amenity

- 9.18. A site visit has been carried in person by the allocated officer to fully assess the impact of the proposed works.
- 9.19. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part Two (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.
- 9.20. The position of the extensions and new roof design, although increasing the amount of fenestration, would not lead to substantially increased overlooking or harm to the privacy of neighbouring properties. The new front facing fenestration would overlook front gardens and open space, limiting any harm to private amenity. The new rear fenestration would be located such a distance from the rear elevations of neighbouring properties in Uplands Road and The Crestway (in excess of 50m), that no adverse harm is caused through overlooking.
- 9.21. Considering the above, the degree of harm to amenity through increased overlooking from the new fenestration is considered very limited.
- 9.22. The raising of the roof height and new form due to the proposed extension would lead to a small reduction in the view from some properties located to the north in Lynchet Close. However, a right to a view and retention of the same is not a material consideration in the determination of this application.
- 9.23. The proposed works would not be overbearing or overshadow any surrounding properties due to the separation distances. The works to erect the cantilever canopy to the sides of the building, and the new perimeter fencing would likewise have no overbearing or overshadowing effects, as they are small scale and would be comparable in height to the existing single storey. The majority of these works would also be a significant distance from neighbouring properties
- 9.24. Therefore, it is not considered that the proposed extension and works would cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2.

Transport Planning

- 9.25. The revised plans and Design and Access Statement have been fully assessed, and with no increase in pupil capacity confirmed, no objection is raised. The scheme would see a revised layout with an increase in parking spaces and cycle storage. The increases, although higher than guidance under SPD14, are seen as appropriate due to the special nature of the school (SEN) and the higher proportion of drop off and pick-ups that may be needed. Conditions requested relate to Cycle Parking, Disabled Parking and Car Park Layout would be attached to any approval.
- 9.26. Therefore, it is considered that the proposed extension and works would be in accordance with policies TR7, TR12, TR14, TR18 of the Brighton & Hove Local

Plan, Policies DM33 and DM36 of CPP2, and Supplementary Planning Document SPD14.

- 9.27. Policies DM33 and DM36 are part of the Proposed Submission City Plan Part Two which is gathering weight. Policies DM33 and DM36 are considered to have significant weight at this stage.

Other Matters

- 9.28. 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.

Conclusion:

- 9.29. The propose development is considered to bring no significant adverse harm to the host property or the wider streetscene. No significant harm to neighbouring amenity is identified. Approval is therefore recommended.

10. COMMUNITY INFRASTRUCTURE LEVY:

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. Educational uses are exempt from CIL charges so no CIL would be payable.

11. EQUALITIES

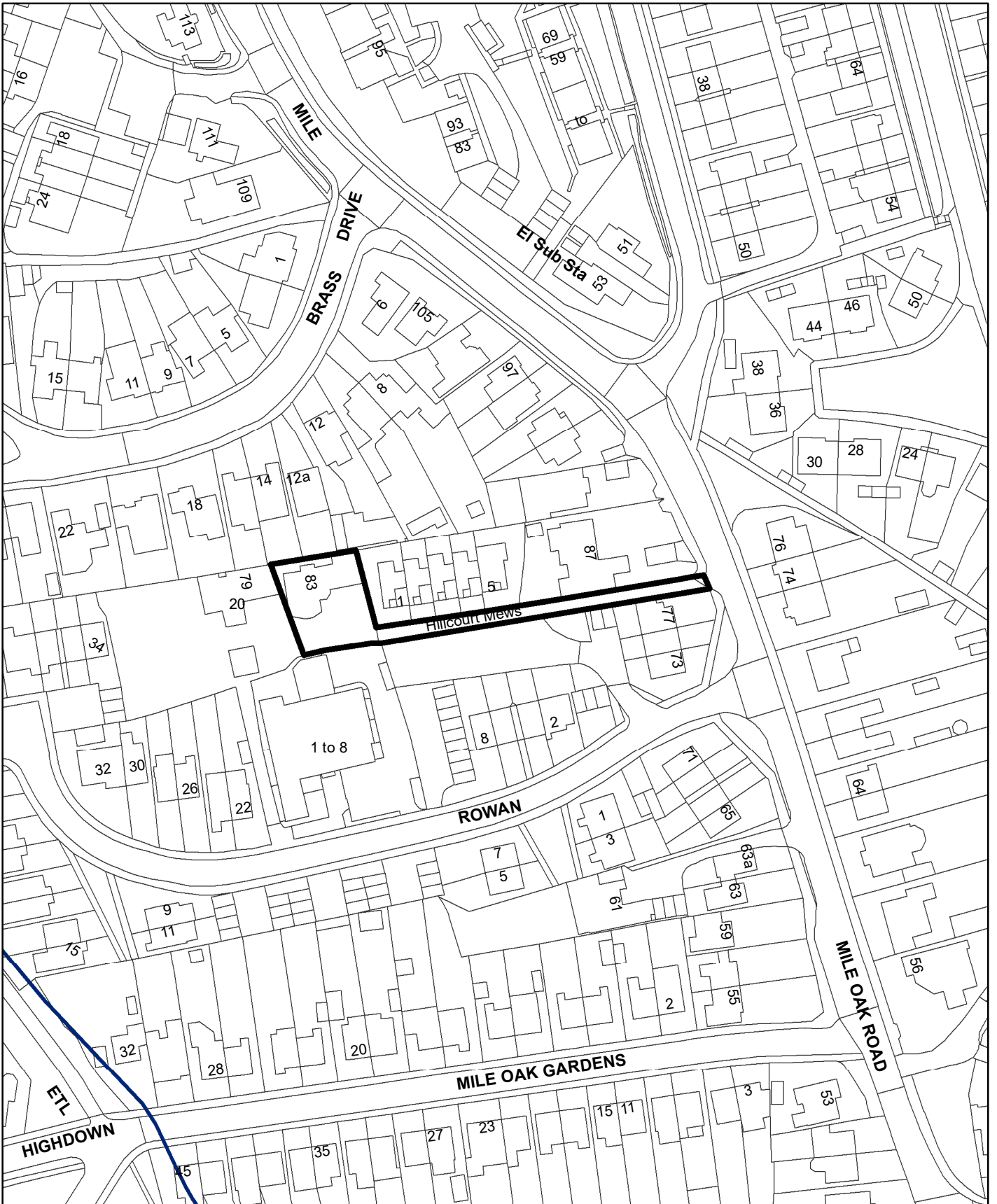
- 11.1. Disabled parking provision is identified in the supplied plans close to a new ramped access entrance. This is would increase accessibility for wheelchair users and those with limited mobility to access the Cedar Centre.

ITEM D

**83 Mile Oak Road
BH2021/02310
Householder Planning Consent**

DATE OF COMMITTEE: 3rd November 2021

BH2021 02310 - 83 Mile Oak Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/02310	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	83 Mile Oak Road Portslade BN41 2PJ		
<u>Proposal:</u>	Erection of part single part two storey extension to create additional floor with revised fenestration and associated works.		
<u>Officer:</u>	Jonathan Pennick, tel: 292138	<u>Valid Date:</u>	23.06.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	18.08.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	24.09.2021
Agent:	Arki-Tec Plans 87A Mile Oak Road Portslade Brighton BN41 2PJ		
Applicant:	Sharon Drewett Paget Henfield Road Small Dole BN5 9XH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	2021/0022-01	A	23 June 2021
Proposed Drawing	2021/0021-04	A	23 June 2021
Proposed Drawing	2021/0021-05	A	23 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. The external finishes of the development hereby permitted shall match those stated on the submitted application form and approved plans.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
4. 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.

5. The windows at first floor level on the northern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To reduce the potential for overlooking and to accord with policies QD14 and QD27 of the of the Brighton & Hove Local Plan.

6. 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 first floor of the southern or western elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

Reason: To reduce the potential for overlooking and to accord with policies QD14 and QD27 of the of the Brighton & Hove Local Plan.

Informatives:

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

2. APPLICATION SITE

- 2.1. The proposal relates to an existing single-storey dwelling that is accessed from Hillcourt Mews, a small, private road extending from the western side of Mile Oak Road in Portslade. The dwelling is large, extending across much of the site between the east and western boundaries. It has a gable-ended pitched roof, and while it contains only two bedrooms has two large reception areas and a garage, with a large front garden area.
- 2.2. There is a range of dwelling types in the immediately locality with a varied palate of modern and more traditional materials. To the north of the site is the rear of large dwellings on Brasslands Drive. To the west of the site, two three-bed semi-detached dwellings are under construction, replacing a large detached dwelling. To the east are flat-roofed dwellings fronting Hillcourt Mews, with further modern, flat-roofed dwellings to the south, including Rowan House.

3. RELEVANT HISTORY

- 3.1. BH2020/00211 - Outline application with all matters reserved for demolition of existing dwelling and erection of 3no three storey, three bedroom dwellinghouses (C3) Refused on the following ground, and dismissed on appeal: *"The proposal, by reason of its inappropriate density and the height of the dwellings, represents an overdevelopment of the site, is out of character and causes neighbouring amenity issues in respect of overlooking, overshadowing and loss of sunlight. The proposal also results in the further intensification of the narrow access leading to insufficient turning around space, introducing highways safety concerns. As such, it is contrary to Policies CP9, CP12 and CP14 of the Brighton & Hove City Plan Part One and TR7 and QD27 of the Local Plan."*
- 3.2. BH2020/02316 - Outline application with all matters reserved for demolition of existing dwelling and erection of 2no two storey, three bedroom dwellinghouses (C3). Approved
- 3.3. BH2013/00380 - Demolition of existing industrial unit and erection of 1no. two bedroom dwelling house and 4no. three bedroom dwelling houses with associated parking. Approved 04.04.2013
- 3.4. BH2012/04084: Conversion of existing building to form 8no flats and 1no maisonette with associated alterations including partial demolition of existing building, revised and additional fenestration, creation of balconies and additional parking. Approved 26.03.2013

4. APPLICATION DETAILS

- 4.1. The applicant seeks planning permission for the erection of part single-, part two-storey extension to create an additional floor, with revised fenestration and associated works. The resulting dwelling would have four bedrooms, with a footprint largely as existing but extended forwards (south) of the existing on the western elevation. The dwelling would be two storeys in height, but with a flat roof so largely the same height as the existing.

5. CONSULTATIONS

None Received

6. REPRESENTATIONS

- 6.1. Six (6) letters of objection have been received expressing concerns in relation to the following material points:
 - Highway Safety
 - Overbearing
 - Loss of light/overshadowing
 - Disruption during construction
 - Out of character
 - Over development of the plot

- 6.2. A letter of support has also been received which states that the current bungalow is out of character with the new developments surrounding the property. This proposal would be better in traffic terms than the two dwellings already approved at outline.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

CP10 Biodiversity

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development

QD27 Protection of amenity

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.

DM20 Protection of Amenity

DM21 Extensions and alterations

DM33 Safe, Sustainable and Active Travel

Supplementary Planning Documents:

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

SPD17 Urban Design Framework

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main issues to consider in assessing this application are the impacts on residential amenity; and impact on the character and appearance of the area.

Background

- 8.2. Of particular relevance to consideration of this application is planning permission BH2020/02316 which was approved by Planning Committee, allowing two dwellings on the site. Whilst the application was outline with all matters reserved, the applicant provided illustrative plans, including elevations. The officer's

assessment and recommendation to committee stated the following of this amount of built form:

"The illustrative drawings demonstrate that it is possible to accommodate two storey dwellings, and that if they were to adopt the flat roof style of other recent additions to the area they would be significantly lower than the previously proposed three storey dwellings, as well as the existing townhouses on the Hillcourt Mews site. At two storeys in height they would now fit in more comfortably with the character of the immediate vicinity, which comprises buildings of either a single storey or two storeys in height. The illustrative drawings also demonstrate that it would be possible to ensure that both dwellings would be lower than the existing building on site. Accordingly, the issues previously raised in respect of the impact on neighbouring amenity resulting from the proposed height, most notably overshadowing and loss of sunlight, are considered to be ameliorated by the lower height."

- 8.3. This forms the 'fallback' which must be given weight when considering the present application as there is a real prospect that it could come forward.

Impact on Amenity

- 8.4. 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.
- 8.5. The proposal site is directly south of 12a and 14 Brasslands Drive, with the expanded dwelling located close to the common boundary so there is potential for an increase in overshadowing and enclosure upon the rear amenity of these dwellings. However, the neighbouring dwellings are set higher than the application site, and the scheme would have a flat roof so that the increase in scale over the existing would be minimal. The application site abuts the relatively long rear gardens of these properties, further reducing the impact, particularly for no. 12A which has outbuildings along the common boundary. Further, the existing, approved scheme was on a larger scale, so would have more impact than that currently proposed. The proposal is not, therefore, considered to result in an unacceptable increase in overshadowing or enclosure for neighbouring properties to the north.
- 8.6. The proposed extensions would also be relatively close to the western boundary with dwellings under construction at the former 20 Rowan Close. However, the existing dwelling is close to this boundary, at single storey in height with a high, pitched roof. The present proposal would extend forward of this, along the common boundary, but the dwellings are oriented away from the boundary, so views of the extension would be oblique, and are not considered to be overwhelming or give an unacceptable sense of enclosure. There would be some loss of light from the east during morning hours, but the affected windows on the western elevation serve stairs.

- 8.7. The townhouses on Hillcourt Mews are also at a sufficient separation distance that impacts resulting from increased overshadowing or enclosure would be limited.
- 8.8. Windows on the first floor elevation facing north, towards Brasslands Drive, would be opaque and set at 1.7m above floor level to minimise the risk of overlooking. The western elevation, facing the redevelopment at 20 Rowan Close, would have no first floor windows or doors. Conditions would be imposed to ensure this remains the case.
- 8.9. All other openings are in a location that would give rise to limited impacts by way of visual intrusion.
- 8.10. The scheme seeks an increase in the size of the dwelling, but no increase in noise or other disturbance is anticipated, and certainly not when compared with the approved scheme allowing two dwellings on the site.
- 8.11. The impact on the adjacent neighbouring properties has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm subject to the aforementioned mitigation has been identified, so the scheme is considered acceptable in terms of its impact on residential amenity.

Design & Appearance

- 8.12. Policy QD14 of the Brighton & Hove Local Plan, and emerging Policy DM21 of City Plan Part 2 (which can be given significant weight) state that:
"Planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;*
 - b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;*
 - c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and*
 - d) uses materials sympathetic to the parent building."*
- 8.13. The proposal to create a modern, flat-roofed dwelling that would maximise the use of the site. The aesthetic would be contemporary with a stark white render and slate tile cladding in areas, with all openings being dark aluminium. Given the broad housing mix in the area, it is considered to be in keeping with its context, with limited impact upon the wider area, given it would be on a rear plot, obscured from view from the main highway.
- 8.14. The extensions and alterations are considered suitable additions to the building, of a contemporary design that would not harm the appearance of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan, emerging policy DM21 of City Plan Part 2 (which can be given significant weight) and SPD12 guidance.

Biodiversity

- 8.15. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. 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.

Conclusion

- 8.16. The proposal represents a similar built form on the site to that approved in the previous outline permission for two dwellings on the site. The proposal whilst having impacts upon neighbouring amenity to the north by way of overshadowing would not do so to a level that would warrant refusal. Furthermore conditions are proposed to protect against overlooking.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The proposal site is located within zone 3 of the charging schedule and will carry a fee of £75 per m². 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

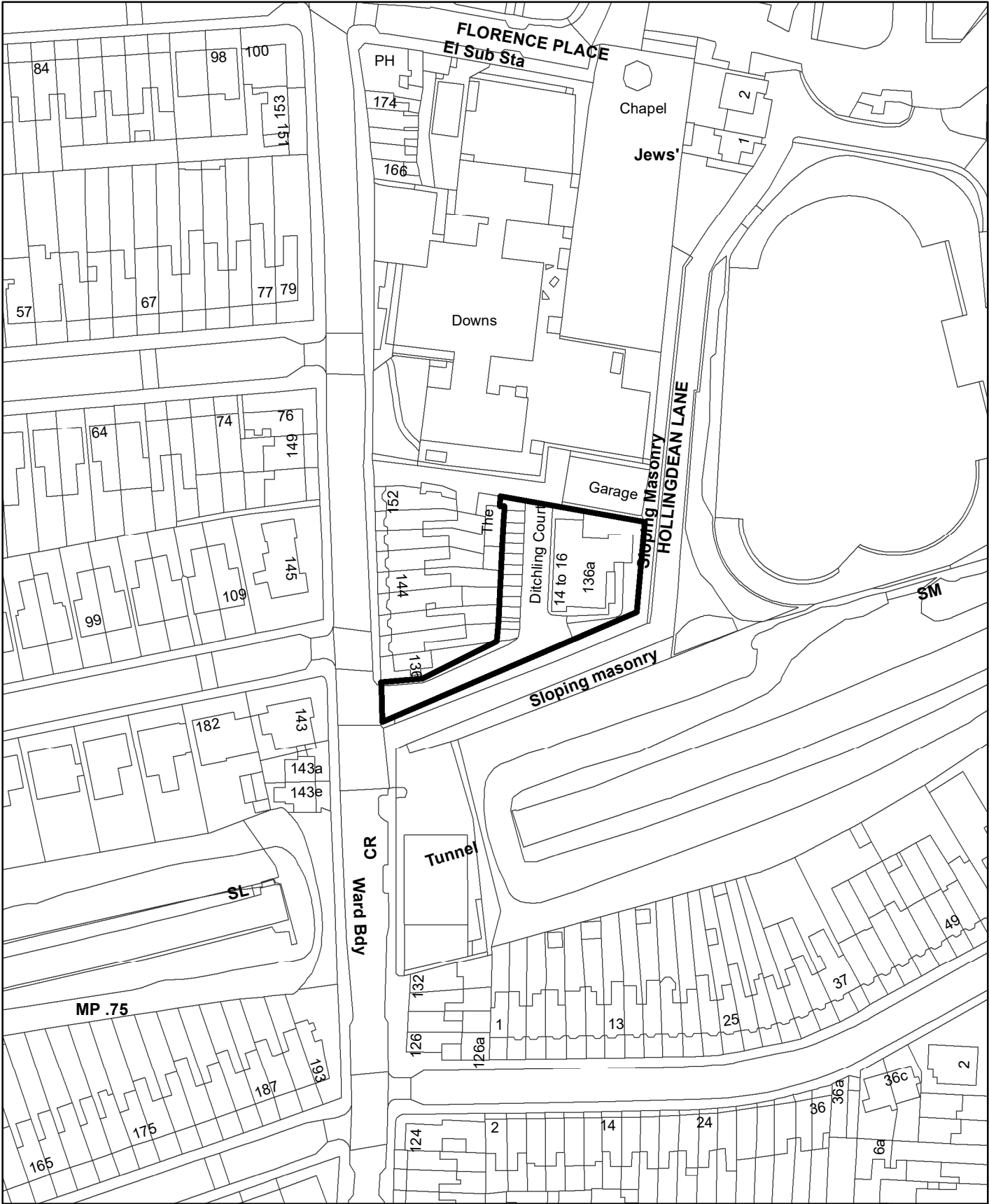
None identified

ITEM E

**Ditchling Court, 136A Ditchling Road
BH2021/02084
Removal or Variation of Condition**

DATE OF COMMITTEE: 3rd November 2021

BH2021 02084 - Ditchling Court, 136A Ditchling Road



Scale: 1:1,250

<u>No:</u>	BH2021/02084	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Ditchling Court 136A Ditchling Road Brighton BN1 6JA		
<u>Proposal:</u>	Variation of condition 1 of application BH2018/02054 (Erection of two storey extension and the creation of 7no flats, revised fenestration and other associated works.) to allow amendments to approved drawings.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	03.06.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	29.07.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Dowsettmayhew Planning Partnership Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	Pearl Developments Brighton LLP C/o Dowsettmayhew Planning Partnership Mocatta House Trafalgar Place Brighton BN1 4DU		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	11A		3 June 2021
Proposed Drawing	12D		16 September 2021
Proposed Drawing	13D		16 September 2021
Proposed Drawing	14A		3 June 2021
Proposed Drawing	15A		3 June 2021
Proposed Drawing	16D		16 September 2021
Proposed Drawing	17E		16 September 2021
Proposed Drawing	18E		16 September 2021
Proposed Drawing	19E		16 September 2021
Proposed Drawing	20E		16 September 2021
Proposed Drawing	21		3 June 2021
Proposed Drawing	22		3 June 2021
Proposed Drawing	23		3 June 2021
Location and block plan	10A		3 June 2021

2. The development hereby permitted shall be commenced before the 28th February 2023.

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

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

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

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

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

4. 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 render (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) details of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

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

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

5. Within 6 months of commencement of the development a Scheme of Management of the on site vehicle parking shall be 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 use of its allocated owner

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

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

6. Prior to the first occupation of the development hereby approved the 1.8m high opaque screening hereby permitted shall be installed to the fourth floor balconies and shall thereafter be retained at all times, being repaired and maintained at all times in the event of damage, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect adjoining property from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

7. Prior to the first occupation of the development hereby approved a scheme of travel pack measures to promote sustainable transport to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the following measures:
- 2 years membership for each residential unit to the City's Car club.
 - 1 year Bus pass or the equivalent sum towards Rail Services
 - 2 years BtnBikeshare
 - Provision of information on sustainable transport options and measures in all marketing material (including any on-line).

Reason: to ensure the development maintains a sustainable transport strategy and to comply with policies CP9 of the Brighton & Hove City Plan Part One and policy TR7 of the Brighton & Hove Local Plan.

8. Prior to first occupation of the development hereby approved, 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. 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.

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

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

10. 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.

11. 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.

12. Access to the flat roof over the extension 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 QD14 and QD27 of the Brighton & Hove Local Plan.

13. The new residential units shall not be occupied until all of the fenestration and other elevational changes to the building hereby approved have been completed.

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

Informatives:

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

2. SITE LOCATION

- 2.1. This application relates to an existing purpose built block of flats positioned to the rear of 136-152 Ditchling Road. Private access is gained to the residential units via an access road to the south of 136 Ditchling Road. The surrounding area comprises both residential and commercial premises. The site is not located within a conservation area or otherwise subject to designations.

3. RELEVANT HISTORY

- 3.1. **BH2018/02054:** Erection of two storey extension and the creation of 7no flats, revised fenestration and other associated works. Approved February 2020.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to vary condition 1 of application BH2021/00672 which approved the erection of a two storey extension and the creation of 7no. flats, revised fenestration and other associated works. This current variation of condition application seeks to increase the height of the approved extension by 1.7m in order to accommodate steel supports and the proposed construction method required to install them.

5. CONSULTATIONS

- 5.1. **Urban Design Officer** Verbal Comment 10.08.2021
In order to reduce the perceived height of the development, amendments could be made to the design of the scheme. It is suggested that the existing parapet height of the building be raised to the cill level of the third floor level windows. In addition, the top level of the development proposed should be broken up from the main building by introducing a band of render.

6. REPRESENTATIONS

- 6.1. **Six (6)** letters of representation have been received objecting to the proposed development on the following grounds:
- Lack of light to properties
 - Inappropriate height
 - Additional cars
 - Additional pollution
 - Noise disturbance
 - Safety of residents during construction
 - Increase refuse area
 - Overshadowing
 - Overlooking
 - The additional height will be visible from a wider area

7. MATERIAL CONSIDERATIONS

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

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

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

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

Brighton & Hove City Plan Part 2 (Proposed submission October 2020)

- 8.1. 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

DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

Supplementary Planning Documents:
SPD12 Design guide for extensions and alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The original approved scheme (BH2018/02054) was considered by Planning Committee in September 2019 and was granted on the 28th of February 2020, following the signing of the S106. The scheme was considered to be acceptable in all regards so the principle of the scheme to provide a two storey extension and the creation of seven new flats has been accepted. As such only the acceptability of the amendments to the plans now sought, are material considerations, as set out below.

Variation to Condition 1 (Plan list)

Visual Impact

- 9.2. This application seeks to increase in height of the approved scheme by 1.7m. The reasoning behind the increase in height is to accommodate the proposed construction method. Steel supports are required which results in an increase of the building height.
- 9.3. Amendments have been received during the lifetime of this application, following requests by officers, to reduce the perceived height of the building. In order to reduce the verticality of the building and prevent a 'top heavy' appearance, the height of the parapet has been increased so it would be level with the cill level of the 3rd floor windows. It is considered that this successfully decreases the overly tall appearance of the development. In addition, the scheme as now proposed, includes a band of render between the 3rd and 4th storeys which is considered to provide a visual break in the verticality of the building. The amendments made to the scheme are considered to have reduced the overall perceived height of the building so that it is acceptable in appearance.
- 9.4. It is also noted on the drawings submitted that the proposed balcony at 4th storey level to the southern elevation has been pulled in from both the east and west by approximately 0.7m. The setting in of this balcony is considered acceptable and provides some relief in particular from the front (west) elevation of the building. This alteration is considered acceptable.
- 9.5. The design of the development in all other regards is the same as that approved under application BH2018/02054.
- 9.6. The proposals are therefore considered to be in accordance with policies QD14 of the Local Plan, CP12 of the Brighton and Hove City Plan Part One and policy DM21 of the City Plan Part Two which holds significant weight.

Amenity Impact

- 9.7. The application site is set on slightly higher ground than neighbouring residential properties. The original scheme (BH2018/02054) considered that the impact of the development upon neighbouring amenity was acceptable in all regards.
- 9.8. The development would not be sited any nearer to neighbouring properties, and the position of the windows within each elevation would be similar to those approved, albeit of a slightly increased height owing to the changes proposed. Given the separation distance of more than 20m between the site and neighbours, no increase in overlooking would result.
- 9.9. Given the increase in height of the building (by 1.7m) an updated sunlight and daylight assessment has been provided dated September 2021.
- 9.10. The properties most likely to be impacted by the development are No's 142- 148 Ditchling Road. These properties lie immediately west of the tallest proposed element at Ditchling Court. The window most impacted by the development is the ground floor window to the rear outrigger of No.142.
- 9.11. The assessment provided shows that there is a predicted change of 8.70% of daylight in relation to the vertical sky component. BRE guidance states that any loss of daylight which exceeds 20 percent is considered to be of significant impact. As such this proposed change is not considered to cause significant adverse harm. By comparison, the same figure for the approved development was 7.97%.
- 9.12. The report also states that the amended scheme proposed would have no measurable impact on the availability of sunlight to the receptor window at No.142 Ditchling Road.
- 9.13. The proposed increase in height of the development at Ditchling Court will have some impact on the average daylight hours, with the approved scheme allowing for 1.05% whilst that proposed would reduce this to 0.98%. The code of practice states that, below 2% electric lighting is likely to be turned on. In this case it is likely that the room already requires artificial lighting and that the increase in height will not have a significant impact on daylighting within the room.
- 9.14. It should be noted that the number and size of the units proposed would remain as per the approved scheme. Each unit proposed would meet or exceed the standards set out within the national space standards and would benefit from acceptable levels of natural light, ventilation, outlook and privacy. It is acknowledged that the proposed changes to the southern elevation would result in a slight reduction in the balcony space for one of the units proposed. However, this decrease is considered minimal and the level of amenity space for future occupiers would remain acceptable.
- 9.15. The proposals are therefore considered to be in accordance with policies QD27 of the Local Plan and DM20 of the Brighton and Hove City Plan Part Two which holds significant weight.

Conditions and 106 Agreement:

- 9.16. The other conditions, as agreed by committee, and as per the extant permission, are still relevant and would be re-applied to the new decision notice albeit with the timeframe for implementation of the development being up-dated to ensure that the proposal commences within the original 3 year period.
- 9.17. There are provisions in the S.106 Legal Agreement, so that the Agreement will relate to and bind any new permission resulting from a S.73 application. The heads of terms include a affordable housing provision of £135,750 and a sustainable transport contribution of £6,300.

Community Infrastructure Levy

- 9.18. Because the original permission was granted before the introduction of CIL, it does not apply to this development.

10. EQUALITIES

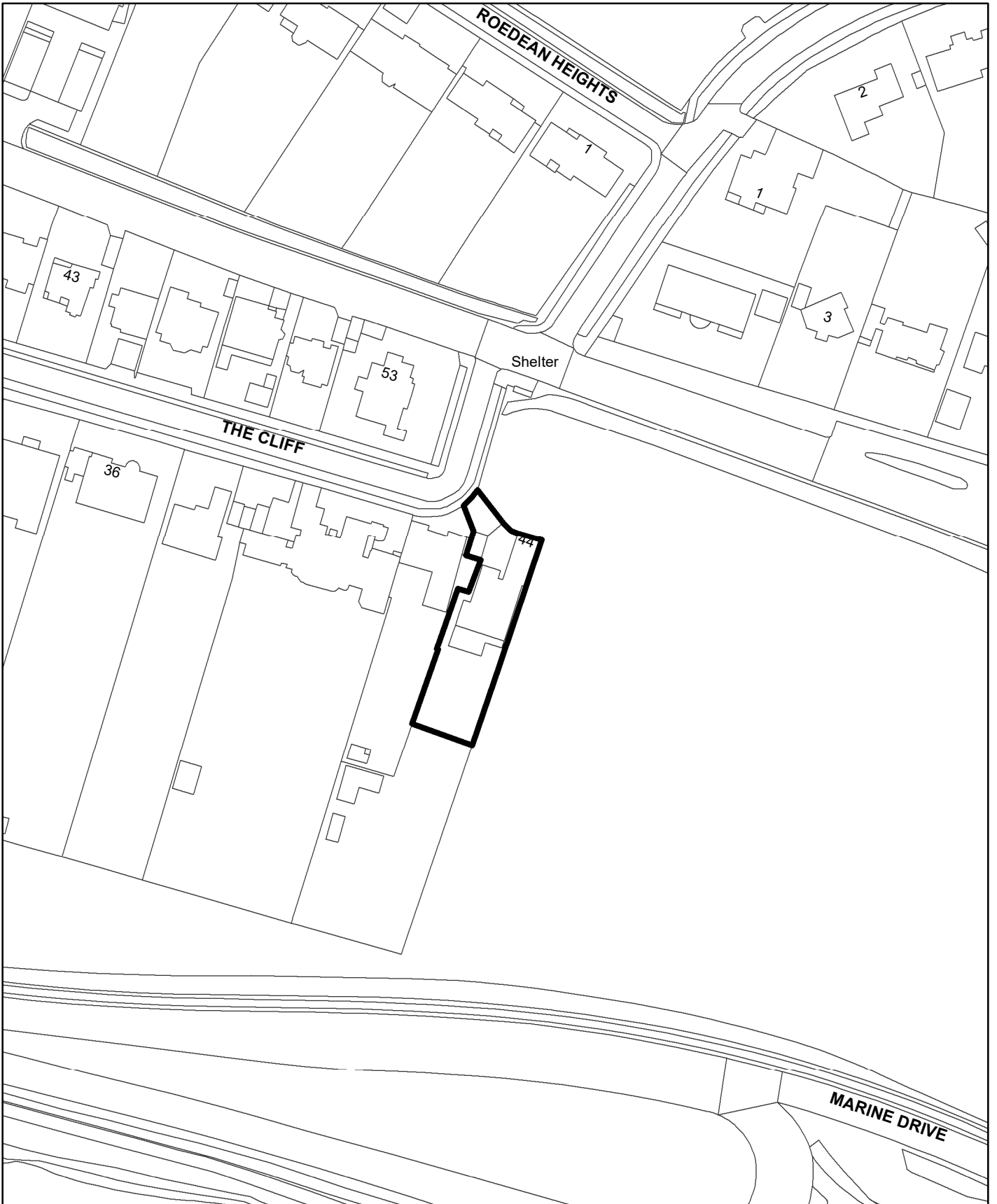
- 10.1. Given that the development approved under application BH2018/02054 is situated on the upper floors of the property with no lift, the development could not comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations and therefore in this case a condition to secure these measures is not sought.

ITEM F

**44 The Cliff
BH2021/02657
Full Planning**

DATE OF COMMITTEE: 3rd November 2021

BH2021 02657 - 44 The Cliff



N



Scale: 1:1,250

<u>No:</u>	BH2021/02657	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	44 The Cliff Brighton BN2 5RE		
<u>Proposal:</u>	Revised fenestration at lower ground floor level to include 2no windows to replace existing window (retrospective).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	05.08.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	30.09.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Dowsettmayhew Planning Partnership Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		
Applicant:	Dr A Paoella C/O Dowsettmayhew Planning Partnership Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	TA1356 /01	A	20 July 2021
Existing Drawing	TA1356 /10	B	20 July 2021
Existing Drawing	TA1356 /11	B	20 July 2021
Other	Window Details		5 August 2021

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to a two-storey plus lower ground floor detached building on the southern side of The Cliff. The residential building is split into two flats (C3). The site is not listed and is not located within a conservation area, but lies approximately 150m south-east of the South Downs National Park.

3. RELEVANT HISTORY

- 3.1. **BH2019/01183** - Hard landscaping for the creation of a sunken garden. The proposals also incorporate: the extension of an existing decked area and retaining walls; and associated works. (Part Retrospective). Refused, appeal allowed
- 3.2. **89/206/F** - Erection of 3-storey building comprising 4 bedroom maisonette with 3-bedroom 'granny flat' over. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought retrospectively for revised fenestration on the side (east) elevation of the lower ground floor comprising two windows to replace an existing window. The works were carried out towards the end of 2020.

5. REPRESENTATIONS

- 5.1. **Councillor Fishleigh** has objected to the application and asked for it to be determined at planning committee. A copy of the correspondence is attached to this report.

6. CONSULTATIONS

None.

7. MATERIAL CONSIDERATIONS

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

- 7.1. 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);
- 7.2. 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
CP8	Sustainable buildings
CP12	Urban design

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

QD14	Extensions and alterations
QD27	Protection of amenity

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.

DM18	High quality design and places
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 considerations in the determination of this application are restricted to the design and appearance of the new windows, and the impact upon neighbouring amenity. No change of use or other development is proposed, and the retrospective nature of the application is not a material consideration.

Design and Appearance:

- 9.2. The revised fenestration that is the subject of this application comprises the removal of a large rectangular horizontal window on the side (east) elevation of the lower ground floor, and the insertion of two smaller windows, one in the same approximate location and the second further to the south on the same elevation. Both new windows are casement opening, with uPVC frames.
- 9.3. No objection is raised to the revised fenestration in design terms. The new windows are similar in colour and frame style to the existing fenestration on the upper floors and as such do not appear out of place on the building. Whilst the proportions of the windows differs from the existing fenestration, this was also the case for the pre-existing window, and in any case the new windows are at

lower ground floor level and as such are largely obscured from view outside of the site by the existing side boundary wall.

Impact on Amenity:

- 9.4. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part Two (which can be given significant weight) both 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.
- 9.5. In this case, there are no residential neighbours to the east which would potentially be overlooked by the new windows, with the eastern elevation facing a 'pitch and putt' golf course. The windows are located at lower ground floor level, in the place of a pre-existing window and with a boundary wall largely obscuring outlook from within.
- 9.6. On this basis, the impact of the development on the amenity of surrounding residents is considered to be acceptable.

10. **EQUALITIES**
None identified

**Cllr. Bridget Fishleigh
BH2021/02657 – 44 The Cliff**

26th August 2021:

I am writing to ask that this application be considered by the planning committee if an officer recommends anything other than a refusal.

This property is well-known to planning officers as well as ward councillors.

It has various planning enforcement investigations already in place.

It is also home to various rentals including a large party AirBnB which disturbs the neighbours.

I would like to ensure that these new windows are not part of another unauthorised development.

The MPCs for this application include:

- Parking
- Highway safety
- Traffic
- Noise
- Layout and density of building
- Previous planning decisions (including appeal decisions)

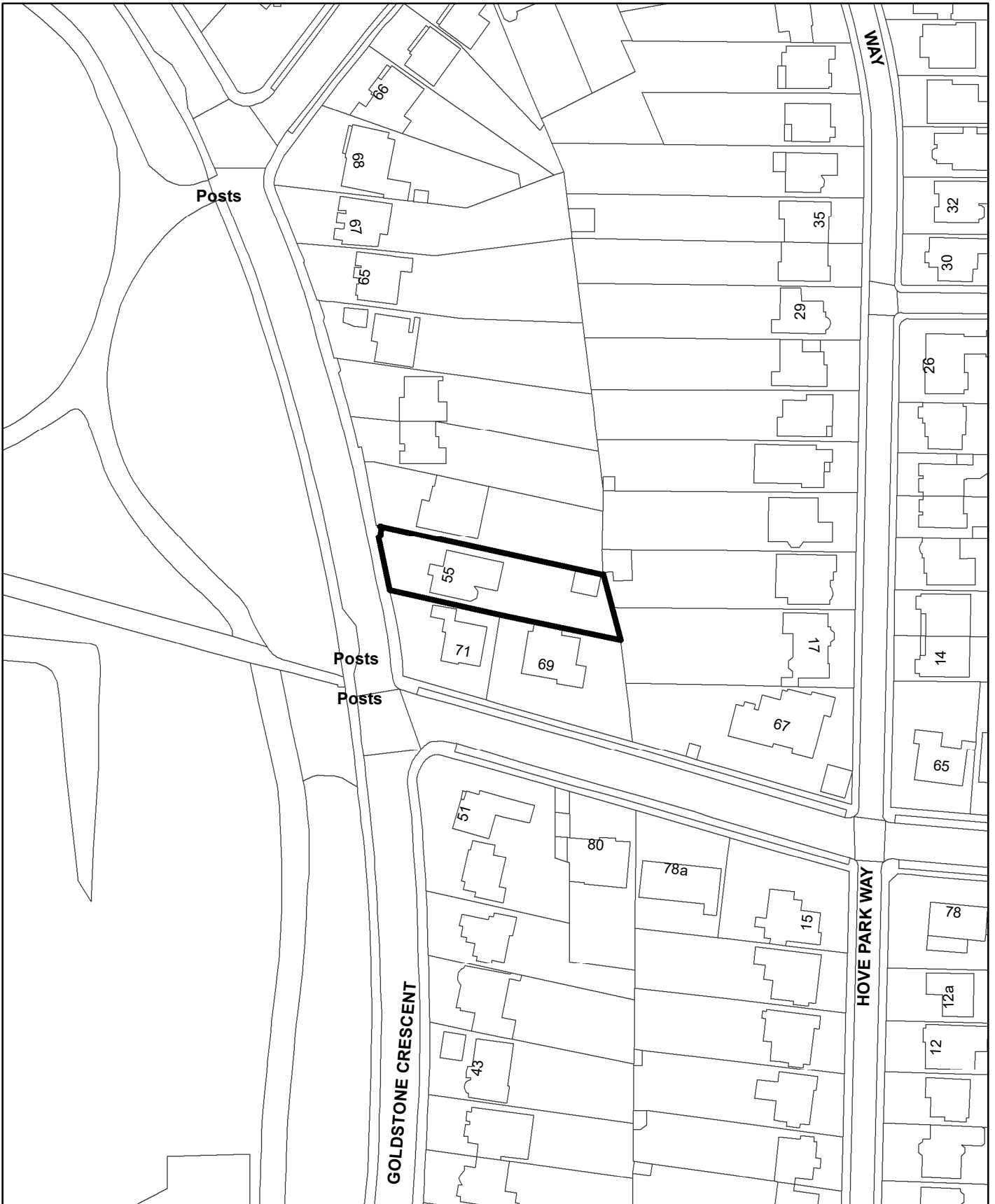
Thank you in advance for accepting my request.

ITEM G

**55 Goldstone Crescent
BH2021/02475
Removal or Variation of Condition**

DATE OF COMMITTEE: 3rd November 2021

BH2021 02475 - 55 Goldstone Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2021/02475	<u>Ward:</u>	Hove Park
<u>App Type:</u>	Variation of Condition		
<u>Address:</u>	55 Goldstone Crescent Hove BN3 6LR		
<u>Proposal:</u>	Variation of Condition 1 of application BH2020/01619 (Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking) to permit amendments to approved drawings to locate the proposed building on the boundary, change the fenestration and to add an internal lift.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	05.07.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.09.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Ian Coomber Absolute Town Planning Ltd Parkers Cornelius House 178-180 Church Road Hove BN3 2DJ		
<u>Applicant:</u>	Deller Holdings Limited C/o Absolute Town Planning 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 be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **3rd February 2022** the Head of Planning is hereby authorised to refuse planning permission.

Section 106 Head of Terms:

Affordable housing:

- A commuted sum of £238,750

Sustainable Transport

- A financial contribution of £6,400

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location plan			5 July 2021
Block plan	2107793/10		31 August 2021
Proposed Drawing	2107793/01		31 August 2021
Proposed Drawing	2107793/02		31 August 2021

Proposed Drawing	2107793/03		31 August 2021
Proposed Drawing	2107793/04		31 August 2021
Proposed Drawing	2107793/05		31 August 2021
Proposed Drawing	2107793/06		31 August 2021
Proposed Drawing	2107793/07		31 August 2021
Proposed Drawing	2107793/08		31 August 2021
Proposed Drawing	2107793/30		31 August 2021

2. The development hereby permitted shall be commenced before 1 October 2023.

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 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:
- physical samples of all brick (including details of its bonding, mortar colour and pointing), lintels, quoins and tiling;
 - specification documents for the proposed window, door and balcony balustrades and decking / hard surfacing (which shall be porous or permeable, or adequate means or drainage shall be provided); and
 - 1:20 drawings with materials and finishes annotated for the front balcony at roof level.

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 HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

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

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

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

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, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures (if applicable) and confirmation of location, species and sizes; and
- 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 SU3, SU5, SU9, QD15 and QD16 of the Brighton & Hove Local Plan, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

8. Access to the flat roof to 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 Policy QD27 of the Brighton & Hove Local Plan.

9. Notwithstanding the elevations hereby approved, no development above ground floor slab level of the development hereby permitted shall take place until 1:20 elevations of the windows to the living space on the south façade have been submitted and approved by the Local Planning Authority. These windows shall be obscure glazed and top-hung casements. The approved details shall be fully installed and thereafter retained.

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

10. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with Policy CP9 of the Brighton & Hove City Plan Part One and SPD14.

11. The extended / relocated crossover and accesses shall be constructed / reinstated (by raising the existing kerb and footway) prior to the first occupation of the development hereby permitted.

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

12. Notwithstanding the drawings hereby approved, 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. The location of the cycle store shall not give rise to overlooking of the patios serving the bedrooms of the ground floor flats.
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.
13. 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 Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
14. 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 commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
 - (v) Details of hours of construction including all associated vehicular movements;
 - (vi) Details of the construction compound;
 - (vii) A plan showing construction traffic routes.
- The construction shall be carried out in accordance with the approved CEMP.
Reason: To protect amenity, manage highway safety and waste throughout development works and to comply with Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, 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 SPD03 Construction and Demolition Waste.

15. 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.
16. 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.
17. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
4. The applicant is advised that 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. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging

racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.

6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
7. The water efficiency standard required under Condition 17 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.
8. If future occupiers of the flats hereby approved are minded to install rear balconies or terraces then this would require an application for planning permission to be submitted to the Local Planning Authority.
9. Tall and / or dense planting to the rear boundary of the application site should be included within the submission to discharge Condition 7 of this permission in respect of landscaping and boundary treatment.

2. SITE LOCATION

- 2.1. The application relates to a two storey dwellinghouse built in brown brick with a front projecting element, a gabled roof form, a front porch with a portico, white uPVC windows with shutters and quoin detailing. It has a large hardstanding area to the front (west) used for car parking, with a sloped driveway leading up from a crossover constructed with 'Wealden Cream' Candy blocks. The boundary walls are also brown brick with white railings.
- 2.2. The subject property is located on the eastern side of Goldstone Crescent between the junctions of The Drove way to the south and Woodruff Avenue to the north. Hove Park is directly opposite to the west.
- 2.3. The building is not within a conservation area, not a listed building or in the vicinity of one, but is opposite the locally listed Hove Park. The site is also within Ground Source Protection Zone 2 and, whilst it is surrounded by Controlled Parking Zone (CPZ) P, it is not within a CPZ.

3. RELEVANT HISTORY

- 3.1. **BH2021/02275:** Approval of Details reserved by Conditions 3 (Materials and External Finishes), 9 (Side Windows), 14 (Construction Environmental Management Plan) and 15 (Site Waste Management Plan) of application BH2020/01619. Under consideration
- 3.2. **BH2020/01619:** Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking. Approved at Committee 30 September 2020 and issued on 1 October 2020
- 3.3. **BH2007/00668:** First floor rear extension. Approved 14 May 2007
- 3.4. **BH2002/02862/FP:** Rear conservatory. Approved 26 November 2012
- 3.5. Of relevance at 57 Goldstone Crescent:
BH2021/02478: Variation of Condition 1 of application BH2020/01620 (Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking) to permit amendments to approved drawings to locate the proposed building on the boundary, change the fenestration and to add an internal lift. Awaiting determination (this Committee).
- 3.6. **BH2020/01620:** Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking. Approved at Committee 30 September 2020 and issued on 1 October 2020

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the variation of Condition 1 of application BH2020/01619 to permit amendments to approved drawings to locate the proposed building on the shared boundary with 57 Goldstone Avenue, change the fenestration and to add an internal lift.

5. REPRESENTATIONS

- 5.1. One objection has been received outside the consultation period as follows:
- The proposed building would be too close to a boundary wall.
 - The proposed building would be overbearing in size next to a bungalow and out of keeping with the existing houses and area.
 - The proposed building would cause overshadowing and a loss of privacy from balconies and side elevation windows.
 - The noise would be considerably increased with 14 flats
 - The recycling area next to a boundary wall would be smelly and noisy.

- The added traffic to an already busy road would create traffic jams to a crossing used to enter Hove Park.

5.2. **Councillor Bagaen** has objected to the application. A copy of the correspondence is attached to the report.

6. CONSULTATIONS

6.1. **Private Housing Sector:** No comments

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 Joint Area Action Plan (October 2019)

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP7	Infrastructure and developer contributions
CP9	Sustainable Transport
CP12	Urban design
CP20	Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

SU10	Noise nuisance
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes

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
DM20	Protection of Amenity
DM40	Protection of the Environment and Health – Pollution and Nuisance

Other Documents

Developer Contributions Technical Guidance - June 2016

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the changes on design, neighbouring amenity and the standard of accommodation.

Officers have previously undertaken a site visit to this site in relation to the previous application and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

Design:

- 9.2. The purpose of this proposal is for the two buildings to share a party wall between them and to avoid installing first and second floor windows which would be redundant as a result. This would also involve the minor relocation of the footprint of each building.
- 9.3. Following discussions that preceded the submission of this application, Officers agreed that joining the buildings cannot reasonably be avoided without leaving a gap between them that a child or person could squeeze into and potentially get stuck. This would also present security and maintenance concerns. Given that this is the case, adjoining the buildings with a continuous brick façade was considered preferable.
- 9.4. Officers recognise the objectors' concerns about the variation of the approved scheme merging the two approved buildings so they would have the appearance of a single block of flats. It is important to note that the demolition of two family homes has already been approved and that the extant permission provides seven family sized dwellings, which is still the case with this application. Whilst the two buildings are proposed to adjoin, they would still function as two separate sites with distinct entrances to each building, boundary treatment, external amenity space and parking spaces. There are

examples of semi-detached properties along Goldstone Crescent, such as nos. 59 and 61, 143 and 145, 147 and 149, 151 and 153, 155 and 157, and more further along this road. As such, this application would not break the pattern on buildings on the street.

- 9.5. Both objections refer to the profile and height of the buildings and its resultant impact on the skyline, but the height is not proposed to change. The density was also previously considered to be acceptable and would not be increased (or reduced).
- 9.6. No design-related objections are raised to the omission of the windows. Given that the gap between the buildings would render the windows to the north façade redundant, Condition 9 is proposed to be amended to refer to the windows on the south façade.
- 9.7. It has been confirmed that there will be no change to the roof plan as a result of the proposed internal lift.
- 9.8. In summary, it is considered that the proposal would not cause any harm to the character and appearance of the surrounding area compliant with Policy CP12 as well as emerging CPP2 Policy DM18.

Impact on Neighbouring Amenity:

- 9.9. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.10. The proposed changes are considered not to materially affect the amenity of neighbouring amenities beyond the impact assessed as part of the extant permission. The changes to fenestration relate to the removal of first and second floor windows to the north elevation facing no. 57. As such, the application would be compliant with Local Plan Policy QD27 and emerging CPP2 Policy DM20 (which can be given significant weight).

Standard of Accommodation:

- 9.11. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 9.12. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.

- 9.13. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 9.14. Seven dwellings are still proposed as follows: two 3b4p (3 bedroom, 4 person) flats, a 2b4p flat and four 2b3p flats. All continue to be compliant with the Gross Internal Areas outlined within the NDSS, as are the bedrooms sizes. The floor to ceiling heights would not change.
- 9.15. The kitchen / living rooms of Flats 3 and 5 are now proposed to be single aspect, but this is to the east and therefore these rooms would still receive sufficient daylight and outlook. There are no objections raised to the removal of the window to the shower room / ensuite to Bedroom 1 of these flats, which would now need to be mechanically ventilated.
- 9.16. The proposed internal lift is welcomed from an inclusivity perspective and would allow an unaccompanied wheelchair user or three people at once to access the upper floors. Following amendments, the lift has been moved away from Bedroom 2 in Flats 1, 3, 5 and 7 to avoid noise disturbance. It is now adjacent to hallways, which are less noise sensitive.
- 9.17. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27 and emerging CPP2 Policy DM20 which can be given significant weight.

Financial Contributions:

- 9.18. It has been confirmed that the Sustainable Transport contribution of £6,400 and the Affordable Housing contribution of £238,750 previously secured have been paid.

10. CONCLUSIONS

- 10.1. The proposal would not cause a material impact to the design of the building or on the surrounding area, neighbouring amenity and the standard of accommodation compared with the approved application. Therefore, it would be compliant with City Plan Part One Policy CP12, Local Plan Policies SU10, QD27 and HO13 as well as emerging CPP2 Policies DM1, DM18, DM20 and DM40. As such, this application is recommended for approval.

11. EQUALITIES

- 11.1. The proposed internal lift would provide easier access to the upper floors and would be able to accommodate a single unaccompanied wheelchair, although

it is noted that the ground floor flats would be M4(3) compliant and therefore more suitable for wheelchair users or those with a mobility-related disability.

Cllr. Samer Bagaeen
BH2021/02475 – 55 Goldstone Crescent

22nd July 2021:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overshadowing
- Poor design
- Residential Amenity
- Restriction of view

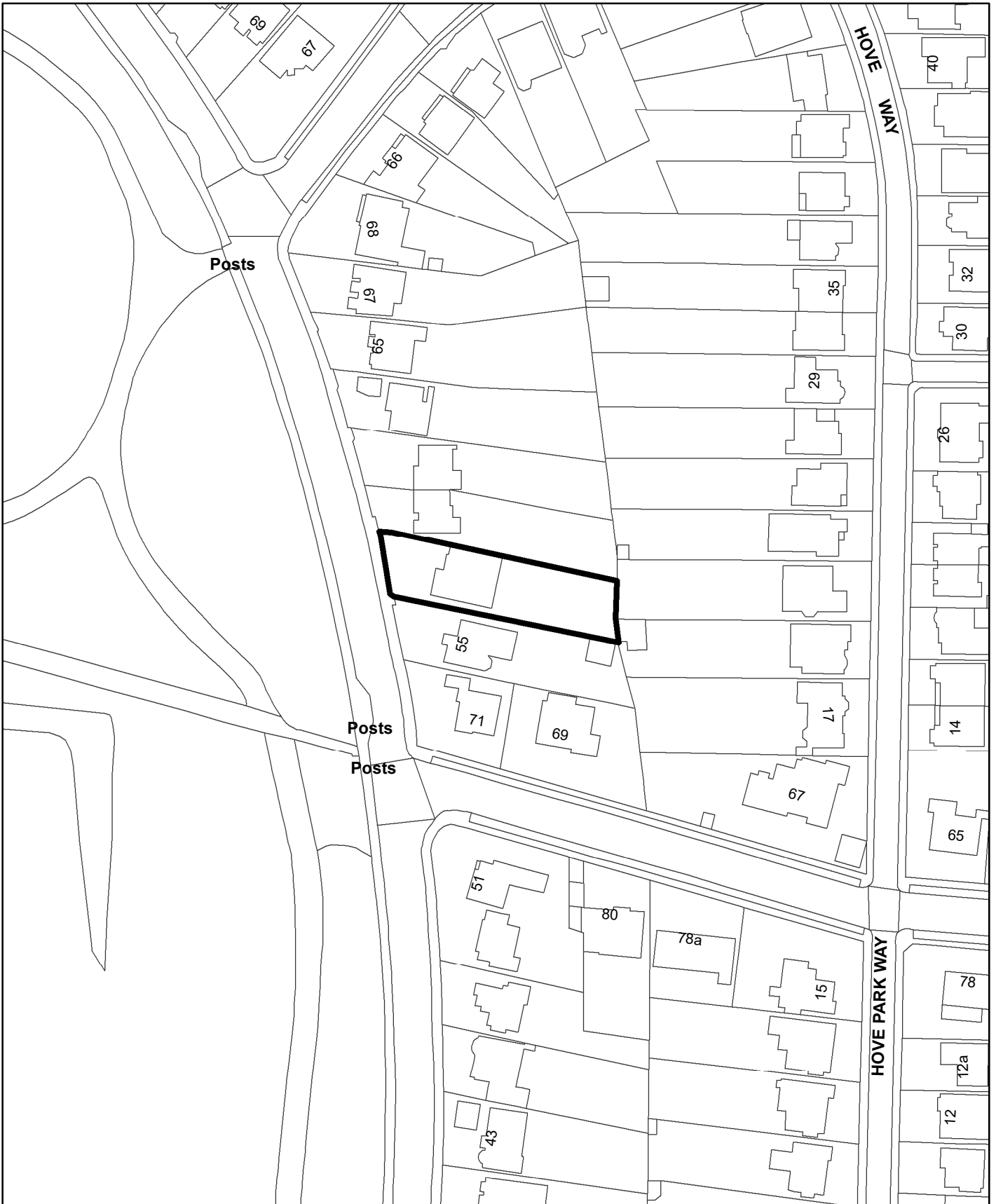
Comment: Russell, I cannot see an explanation for this but demolishing two family homes and replacing them with a huge block of flats instead of the two houses breaks the pattern on buildings on the street so if you are minded to approve, I'd like to call this to committee again.

ITEM H

**57 Goldstone Crescent
BH2021/02478
Removal or Variation of Condition**

DATE OF COMMITTEE: 3rd November 2021

BH2021 02478 - 57 Goldstone Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2021/02478	<u>Ward:</u>	Hove Park
<u>App Type:</u>	Variation of Condition		
<u>Address:</u>	57 Goldstone Crescent Hove BN3 6LR		
<u>Proposal:</u>	Variation of Condition 1 of application BH2020/01620 (Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking) to permit amendments to approved drawings to locate the proposed building on the boundary, change the fenestration and to add an internal lift.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	05.07.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.09.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Ian Coomber Absolute Town Planning Ltd Parkers Cornelius House 178-180 Church Road Hove BN3 2DJ		
<u>Applicant:</u>	Deller Holdings Limited C/o Absolute Town Planning 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 be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **3rd February 2022** the Head of Planning is hereby authorised to refuse planning permission.

Section 106 Head of Terms:

Affordable housing:

- A commuted sum of £238,750

Sustainable Transport

- A financial contribution of £6,400

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location plan			5 July 2021
Block plan	2107793/20		1 September 2021
Proposed Drawing	2107793/11		31 August 2021
Proposed Drawing	2107793/12		31 August 2021
Proposed Drawing	2107793/13		31 August 2021

Proposed Drawing	2107793/14		31 August 2021
Proposed Drawing	2107793/15		31 August 2021
Proposed Drawing	2107793/16		31 August 2021
Proposed Drawing	2107793/17		31 August 2021
Proposed Drawing	2107793/18		31 August 2021
Proposed Drawing	2107793/30		31 August 2021

2. The development hereby permitted shall be commenced before 1 October 2023.

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 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:
- physical samples of all brick (including details of its bonding, mortar colour and pointing), lintels, quoins and tiling;
 - specification documents for the proposed window, door and balcony balustrades and decking / hard surfacing (which shall be porous or permeable, or adequate means or drainage shall be provided); and
 - 1:20 drawings with materials and finishes annotated for the front balcony at roof level.

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 HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

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

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

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

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, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures (if applicable) and confirmation of location, species and sizes; and
- 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 SU3, SU5, SU9, QD15 and QD16 of the Brighton & Hove Local Plan, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

8. Access to the flat roof to 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 Policy QD27 of the Brighton & Hove Local Plan.

9. Notwithstanding the elevations hereby approved, no development above ground floor slab level of the development hereby permitted shall take place until 1:20 elevations of the windows to the living space on the north façade have been submitted and approved by the Local Planning Authority. These windows shall be obscure glazed and top-hung casements. The approved details shall be fully installed and thereafter retained.

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

10. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with Policy CP9 of the Brighton & Hove City Plan Part One and SPD14.

11. The extended / relocated crossover and accesses shall be constructed / reinstated (by raising the existing kerb and footway) prior to the first occupation of the development hereby permitted.

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

12. Notwithstanding the drawings hereby approved, 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. The location of the cycle store shall not give rise to overlooking of the patios serving the bedrooms of the ground floor flats.

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.

13. 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 Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

14. The development hereby permitted shall not be first occupied until details of disabled car parking space has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

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

Reason: To protect amenity, manage highway safety and waste throughout development works and to comply with Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, 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 SPD03 Construction and Demolition Waste.

16. 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.

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

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
4. The applicant is advised that 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. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
7. The water efficiency standard required under Condition 18 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
8. If future occupiers of the flats hereby approved are minded to install rear balconies or terraces then this would require an application for planning permission to be submitted to the Local Planning Authority.
9. Tall and / or dense planting to the rear boundary of the application site should be included within the submission to discharge Condition 7 of this permission in respect of landscaping and boundary treatment.

2. SITE LOCATION

- 2.1. The application relates to a two storey single family dwellinghouse built in brown brick with a front projecting element, a gabled roof form, rooflights, a single storey wrap-around extension and white uPVC windows. It has a grass lawn and hardstanding area to the front (west) used for car parking with a sloped driveway leading up from a wide crossover partially constructed with 'Wealden Cream' Candy blocks. The boundary walls are also in brown brick.

- 2.2. The subject property is located on the eastern side of Goldstone Crescent between the junctions of The Drove way to the south and Woodruff Avenue to the north. Hove Park is directly opposite to the west.
- 2.3. The building is not within a conservation area, not a listed building or in the vicinity of one, but is opposite the locally listed Hove Park. The site is also within Ground Source Protection Zone 2 and, whilst it is surrounded by Controlled Parking Zone (CPZ) P, it is not within a CPZ.

3. RELEVANT HISTORY

- 3.1. **BH2021/02276:** Approval of Details reserved by Conditions 3 (Materials and External Finishes), 9 (Side Windows), 15 (Construction Environmental Management Plan) and 16 (Site Waste Management Plan) of application BH2020/01620. Under consideration
- 3.2. **BH2020/01620:** Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking. Approved at Committee 30 September 2020 and issued on 1 October 2020
- 3.3. **BH2007/00668:** First floor rear extension. Approved 14 May 2007
- 3.4. **BH2002/02862/FP:** Rear conservatory. Approved 26 November 2012
- 3.5. Of relevance at 57 Goldstone Crescent:
BH2021/02475: Variation of Condition 1 of application BH2020/01619 (Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking) to permit amendments to approved drawings to locate the proposed building on the boundary, change the fenestration and to add an internal lift. Awaiting determination (this Committee).
- 3.6. **BH2020/01619:** Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking. Approved at Committee 30 September 2020 and issued on 1 October 2020

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the variation of Condition 1 of application BH2020/01620 to permit amendments to approved drawings to locate the proposed building on the shared boundary with 55 Goldstone Crescent, change the fenestration and to add an internal lift.

5. REPRESENTATIONS

- 5.1. One objection has been received within the consultation period as follows:
- A block of flats destroys the profile and skyline of the neighbourhood. The higher density causes parking problems, traffic increase, noise, and devalues neighbouring dwellings as the area becomes less desirable.
 - The attempt to morph the footprint into one block is motivated solely by profit without any regard for the quality and appearance of the area.
- 5.2. **Councillor Bagaen** has objected to the application. A copy of the correspondence is attached to the report.

6. CONSULTATIONS

- 6.1. **Private Housing Sector:** No comments

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 Joint Area Action Plan (October 2019)
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP7 Infrastructure and developer contributions

CP9 Sustainable Transport

CP12 Urban design

CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

SU10 Noise nuisance
QD27 Protection of amenity
HO13 Accessible housing and lifetime homes

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
DM20 Protection of Amenity
DM40 Protection of the Environment and Health – Pollution and Nuisance

Other Documents

Developer Contributions Technical Guidance - June 2016

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the changes on design, neighbouring amenity and the standard of accommodation.

Officers have previously undertaken a site visit to this site in relation to the previous application and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

Design:

- 9.2. The purpose of this proposal is for the two buildings to share a party wall between them and to avoid installing first and second floor windows which would be redundant as a result. This would also involve the minor relocation of the footprint of each building.
- 9.3. Following discussions that preceded the submission of this application, Officers agreed that joining the buildings cannot reasonably be avoided without leaving a gap between them that a child or person could squeeze into and potentially get stuck. This would also present security and maintenance concerns. Given that this is the case, adjoining the buildings with a continuous brick façade was considered preferable.
- 9.4. Officers recognise the objectors' concerns about the variation of the approved scheme merging the two approved buildings so they would have the appearance of a single block of flats. It is important to note that the demolition of two family homes has already been approved and that the extant permission

provides seven family sized dwellings, which is still the case with this application. Whilst the two buildings are proposed to adjoin, they would still function as two separate sites with distinct entrances to each building, boundary treatment, external amenity space and parking spaces. There are examples of semi-detached properties along Goldstone Crescent, such as nos. 59 and 61, 143 and 145, 147 and 149, 151 and 153, 155 and 157, and more further along this road. As such, this application would not break the pattern on buildings on the street.

- 9.5. Both objections refer to the profile and height of the buildings and its resultant impact on the skyline, but the height is not proposed to change. The density was also previously considered to be acceptable and would not be increased (or reduced).
- 9.6. No design-related objections are raised to the omission of the windows. Given that the gap between the buildings would render the windows to the south façade redundant, Condition 9 is proposed to be amended to refer to the windows on the north façade.
- 9.7. It has been confirmed that there will be no change to the roof plan as a result of the proposed internal lift.
- 9.8. In summary, it is considered that the proposal would not cause any harm to the character and appearance of the surrounding area compliant with Policy CP12 as well as emerging CPP2 Policy DM18.

Impact on Neighbouring Amenity:

- 9.9. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.10. The proposed changes are considered not to materially affect the amenity of neighbouring amenities beyond the impact assessed as part of the extant permission. The changes to fenestration relate to the removal of first and second floor windows to the north elevation facing no. 55. As such, the application would be compliant with Local Plan Policy QD27 and emerging CPP2 Policy DM20 (which can be given significant weight).

Standard of Accommodation:

- 9.11. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 9.12. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove

City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.

- 9.13. Seven dwellings are still proposed as follows: two 3b4p (3 bedroom, 4 person) flats, a 2b4p flat and four 2b3p flats. All continue to be compliant with the Gross Internal Areas outlined within the NDSS, as are the bedrooms sizes. The floor to ceiling heights would not change.
- 9.14. The kitchen / living rooms of Flats 4 and 6 are now proposed to be single aspect, but this is to the east and therefore these rooms would still receive sufficient daylight and outlook. There are no objections raised to the removal of the window to the shower room / ensuite to Bedroom 1 of these flats, which would now need to be mechanically ventilated.
- 9.15. The proposed internal lift is welcomed from an inclusivity perspective and would allow an unaccompanied wheelchair user or three people at once to access the upper floors. Following amendments, the lift has been moved away from Bedroom 2 in Flats 1, 3, 5 and 7 to avoid noise disturbance. It is now adjacent to hallways, which are less noise sensitive.
- 9.16. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27 and emerging CPP2 Policy DM20 which can be given significant weight.

Financial Contributions:

- 9.17. It has been confirmed that the Sustainable Transport contribution of £6,400 and the Affordable Housing contribution of £238,750 previously secured have been paid.

10. CONCLUSIONS

- 10.1. The proposal would not cause a material impact to the design of the building or on the surrounding area, neighbouring amenity and the standard of accommodation compared with the approved application. Therefore, it would be compliant with City Plan Part One Policy CP12, Local Plan Policies SU10, QD27 and HO13 as well as emerging CPP2 Policies DM1, DM18, DM20 and DM40. As such, this application is recommended for approval.

11. EQUALITIES

- 11.1. The proposed internal lift would provide easier access to the upper floors and would be able to accommodate a single unaccompanied wheelchair, although it is noted that the ground floor flats would be M4(3) compliant and therefore more suitable for wheelchair users or those with a mobility-related disability.

Cllr. Samer Bagaeen
BH2021/02478 – 57 Goldstone Crescent

22nd July 2021:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Overshadowing
- Poor design
- Residential Amenity
- Restriction of view

Comment: Russell, I'd like to call this to committee if you are minded to approve.
Thank you.

NEW APPEALS RECEIVED 02/09/2021 - 06/10/2021

WARD

BRUNSWICK AND ADELAIDE

APPEALAPPNUMBER

BH2020/03272

ADDRESS

24 Holland Road Hove BN3 1JJ

DEVELOPMENT DESCRIPTION

Change of use from existing language school (F.1) to 10no bedroom visitor accommodation (sui generis). External alterations comprising of new access to kitchen at the rear, two Juliette balconies to first floor rear elevation, new railings and gate to front elevation and the removal of the existing fire escape stairs & door on the north elevation.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

23/09/2021

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

GOLDSMID

APPEALAPPNUMBER

BH2020/01403

ADDRESS

64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road Hove

DEVELOPMENT DESCRIPTION

Redevelopment of land on the corner of Palmeira Avenue & Cromwell Road for the erection of 94 flats (C3) with basement parking, landscaping & associated works. (Revised design including additional balconies, revised elevational materials & design, revised layout to ground & lower ground floor residential units & supporting information)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

13/09/2021

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

GOLDSMID

APPEALAPPNUMBER

BH2021/01091

ADDRESS

53 Goldstone Road Hove BN3 3RG

DEVELOPMENT DESCRIPTION

Conversion of two bed maisonette (C3) into 2no. flats (Class C3, comprising 1no. two bed flat and 1no. studio flat) incorporating the installation of 1no. south facing rooflight, 1no. north facing rooflight and the erection of a rear dormer.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

06/10/2021

APPLICATION DECISION LEVEL

Delegated

WARD **HANGLETON AND KNOLL**
APPEALAPPNUMBER BH2020/02977
ADDRESS 47 Elm Drive Hove BN3 7JA
DEVELOPMENT DESCRIPTION Subdivision of single dwellinghouse to create 2no. three bedroom dwellings (C3) with erection of single storey rear extension and fenestration changes to east side elevation.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 30/09/2021
APPLICATION DECISION LEVEL Delegated

WARD **HANGLETON AND KNOLL**
APPEALAPPNUMBER BH2021/00541
ADDRESS 96 Fallowfield Crescent Hove BN3 7NN
DEVELOPMENT DESCRIPTION Erection of additional storey with pitched roof over, single storey rear extension with flat roof over and associated alterations.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 24/09/2021
APPLICATION DECISION LEVEL Delegated

WARD **HANGLETON AND KNOLL**
APPEALAPPNUMBER BH2021/00563
ADDRESS 32 St Helens Crescent Hove BN3 8EP
DEVELOPMENT DESCRIPTION Erection of a part single storey, part two storey rear extension, revised fenestration, landscaping to rear garden and associated works.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 09/09/2021
APPLICATION DECISION LEVEL Delegated

WARD **HANGLETON AND KNOLL**
APPEALAPPNUMBER BH2021/00573
ADDRESS Studio 49 Elm Drive Hove BN3 7JA
DEVELOPMENT DESCRIPTION Prior approval for the erection of an additional storey to form a first floor extension.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 28/09/2021
APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**
APPEALAPPNUMBER BH2020/01717
ADDRESS 17 Upper Bevendean Avenue Brighton BN2 4FG

DEVELOPMENT DESCRIPTION Alterations to existing covered walkway, erection of single-storey rear extension to replace existing conservatory and fenestration alterations at an existing large house in multiple occupation (Sui Generis) to facilitate a maximum occupation of 9 persons.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 08/09/2021
APPLICATION DECISION LEVEL Delegated

WARD **PATCHAM**
APPEALAPPNUMBER BH2021/01510
ADDRESS 186 Mackie Avenue Brighton BN1 8SB
DEVELOPMENT DESCRIPTION Erection of front dormer.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 28/09/2021
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2021/01113
ADDRESS 1 Freshfield Way Brighton BN2 0LE
DEVELOPMENT DESCRIPTION Display of 1no freestanding internally illuminated advertisement display.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 23/09/2021
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2021/01725
ADDRESS 8A Rock Place Brighton BN2 1PF
DEVELOPMENT DESCRIPTION Replacement of 2no UPVC windows to second floor dormers with new UPVC windows. (Retrospective).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 28/09/2021
APPLICATION DECISION LEVEL Delegated

WARD **REGENCY**
APPEALAPPNUMBER BH2021/00023
ADDRESS 20A - 22 West Street Brighton BN1 2RE
DEVELOPMENT DESCRIPTION Display of 1no internally illuminated LED digital screen sign.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 14/09/2021
APPLICATION DECISION LEVEL Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WESTBOURNE**

BH2021/00132

Garages Adjacent to Cowdray Lodge 60-64 New Church Road Hove BN3 4FL

Demolition of existing garages and erection of 1no one-bedroom dwelling (C3).

APPEAL IN PROGRESS

23/09/2021

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WISH**

BH2021/01896

194 New Church Road Hove BN3 4EA

Erection of two storey side extension and demolition of existing conservatory. Installation of two front dormers, first floor balcony at rear and associated alterations.

APPEAL IN PROGRESS

28/09/2021

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2021/00916

20 Bavant Road Brighton BN1 6RD

Erection of front boundary wall and 2no pillars. (Part Retrospective)

APPEAL IN PROGRESS

20/09/2021

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WOODINGDEAN**

BH2021/00084

26 Warren Way Brighton BN2 6PJ

Erection of three storey rear extension with green roof and terraces, roof extension with rear terrace, revised fenestration and associated works to create 4no. additional flats (C3).

APPEAL IN PROGRESS

24/09/2021

Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

This is a note of the current position regarding Planning Inquiries and Hearings

Planning Application No	<i>BH2020/01403</i>
Site Address	<i>64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road Hove</i>
Description	<i>Redevelopment of land on the corner of Palmeira Avenue & Cromwell Road for the erection of 94 flats (C3) with basement parking, landscaping & associated works. (Revised design including additional balconies, revised elevational materials & design, revised layout to ground & lower ground floor residential units & supporting information)</i>
Application Decision	<i>Appeal in progress</i>
Type of Appeal	<i>Hearing</i>
Date Appeal To Be Held:	<i>N/A</i>
Venue of Appeal	<i>N/A</i>
Appeal Decision	<i>N/A</i>
Planning Officer	<i>Mick Anson</i>

PLANNING COMMITTEE

Agenda Item 50

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 22/09/2021 AND 19/10/2021

WARD

PRESTON PARK

APPEAL APPLICATION NUMBER

APL2021/00052

ADDRESS

140 Preston Drove Brighton BN1 6FJ

DEVELOPMENT DESCRIPTION

Erection of single storey outbuilding to rear
of property.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/02516

APPLICATION DECISION LEVEL

Delegated
