

Planning Committee

Date: **1 December 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

51 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.

52 MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 3 November 2021.

53 CHAIR'S COMMUNICATIONS

54 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 25 November 2021.

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

56 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

- | | | |
|---|---|----------------|
| A | BH2020/01403 - 64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road, Hove - Heads of Terms for S106 to be tabled to Planning Inspectorate for Appeal | 11 - 20 |
| B | BH2021/01845 - Brighton College, Eastern Road, Brighton - Full Planning | 21 - 52 |

MINOR APPLICATIONS

- | | | |
|---|--|------------------|
| C | BH2021/02932 - 123-126 Kings Road, Brighton - Full Planning | 53 - 74 |
| D | BH2021/02909 - 125-126 Kings Road, Brighton - Listed Building Consent | 75 - 88 |
| E | BH2021/03143 - 39 Crescent Drive North, Brighton - Full Planning | 89 - 108 |
| F | BH2021/02511 - 27 Palmeira Avenue, Hove - Full Planning | 109 - 124 |
| G | BH2021/03176 - 141 Elm Grove, Brighton - Full Planning | 125 - 144 |
| H | BH2021/03177 - Former Electricity Substation Land to Rear of Highcroft Lodge, Highcroft Villas, Brighton - Full Planning | 145 - 154 |
| I | BH2021/03588 - 8 Blatchington Road, Hove - Full Planning | 155 - 170 |
| J | BH2021/01814 - 4 Coldean Lane, Brighton - Full Planning | 171 - 182 |

K BH2021/02310 - 83 Mile Oak Road, Portslade - Householder Planning Consent **183 - 194**

57 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

58 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **195 - 196**

(copy attached).

59 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES **197 - 198**

(copy attached).

60 APPEAL DECISIONS **199 - 204**

(copy attached).

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

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

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

FURTHER INFORMATION

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

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- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 3 NOVEMBER 2021

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Barnett, Fishleigh, Moonan, Theobald and Yates

Officers in attendance: Jane Moseley (Planning Manager), Russell Brown (Senior Planning Officer), Steven Dover (Assistant Planning Officer), Joanne Doyle (Senior Planning Officer), Jonathan Pennick (Planning Officer), Emily Standbridge (Senior Planning Officer), Andrew Renaut (Head of Transport, Policy and Strategy), Michael Tucker (Planning Officer), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services Officer).

PART ONE

41 PROCEDURAL BUSINESS

a) Declarations of substitutes

41.1 There were no substitutes

b) Declarations of interests

41.2 Councillor Barnett declared they had submitted a letter of objection on item B (BH2021/00617 - 57 Northease Drive, Hove) and would withdraw from the meeting after speaking to the committee as Ward councillor. Councillor Fishleigh declared they had submitted a letter of objection on item F (BH2021/02657 - 44 The Cliff, Brighton) and would withdraw from the meeting after speaking to the committee as Ward councillor.

c) Exclusion of the press and public

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

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

42 MINUTES OF THE PREVIOUS MEETING

- 42.1 **RESOLVED:** The committee accepted the minutes of the meeting held on 6 October 2021 as a correct record.

43 CHAIR'S COMMUNICATIONS

- 43.1 The Chair stated: Following the golden thread of disability access and equalities which characterised our last meeting I will be meeting with Pippa Hodge, along with Cllrs Ebel and Osbourne and senior Planning Officers, to determine what equalities needs should be fed into both training for Councillors and Officers and our Local Planning Authority's future policy developments.

Secondly, there have been repeated requests for us to publish the details of objectors and supporters of applications on our website. The research into this idea has now been carried out, and this is the final outcome:

In line with the new rules introduced by GDPR in May 2018, officers sought legal advice and reviewed the need to share the location of representations received on planning applications. As a result, the view was taken that the location of representations was not a material consideration in assessing planning applications. Therefore, there was no legal basis to reveal addresses in committee reports or on the Register.

In the autumn of 2019, the then Planning Member Working Group requested that this be reviewed as those sitting on the group at the time felt respondent addresses should be a material planning consideration.

Officers have been working with ICT and our application database (Uniform) to explore options on how this can be achieved efficiently. The Planning Register can be changed to show addresses automatically, however, residents' information before 2018 and since 2018 would be revealed as well as current information, which would be a breach of GDPR rules - so this is not possible.

Officers have also researched what neighbouring authorities do. It has been confirmed that none of our neighbours provide a list of addresses in reports or reveal addresses on their Planning Register. In addition, providing addresses is contrary to the current advice of the Planning Advisory Service.

For these reasons, officers have recommended that we do not pursue making this change in reports and to the Planning Register and this was agreed at the Planning Committee Member Working Group on the 27th October 2021.

44 PUBLIC QUESTIONS

- 44.1 There were none.

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

- 45.1 There were none.

46 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2021/00770 - 43-45 Bentham Road, Brighton - Full Planning

1. The Planning Manager introduced the item to the committee.

Speakers

2. Anne Hammond spoke to the committee as an objector and stated that she considered the development to be unnecessary with no respect for the area and poor design standards. The small rooms are considered to induce a high turnover of tenants. There are concerns regarding fire safety and noise from the property outside to the front and rear. There is considered to be a loss of privacy resulting from the development for the neighbouring properties. The bin arrangements are not considered acceptable. The lack of parking would be a challenge in this already difficult area where road safety issues are a concern. There are concerns relating to anti-social behaviour. The room size standards are not good for occupiers. The development does not seem to be sustainable or consider biodiversity. There are concerns regarding the large elm tree to the front of the property on the roadside. The developer has not contacted the community where this development will impose on those already living there.
3. Ward Councillor Powell spoke to the committee in objection and stated that the development did not respect the character and appearance of the existing building, the application was an overdevelopment of the site, the design created fire hazards, the bins were in the wrong place, the standard of accommodation was poor, and the development would result in noise and disturbance for the neighbours. The councillor requested that the elm tree on the roadside outside the property be retained and attention should be paid to biodiversity. The councillor stated they were very against the development.
4. Ward Councillor Gibson spoke to the committee in favour and stated that the property has been empty for a long time and there is a housing need in the city, and an affordable homes crisis. Planning usually asks for 40% of a development to be affordable housing, sometimes less. This development will be 100% affordable housing. It was noted that Brighton Housing Trust support the application. The councillor considered that the need outweighed the design issues and asked the committee to bring the building back into use.
5. Paul Burgess, the applicant's agent, spoke to the committee and stated that the former church building had not been used since 1990. The development will retain the existing windows and walls, and the one- and two-bedroom flats on offer are of good quality meeting minimum space standards, and will be 100% affordable. The agent was perplexed by the references to noise in this tightknit housing area and confirmed that no changes were proposed to the front of the property, where the elm tree is located. The committee were asked to support the application.

Questions

6. Councillor Theobald was informed that the application was slightly different from the previous application in 2020, and that the elm tree was outside the property boundary and it was considered that the works would have a minimum effect on the tree.
7. Councillor Fishleigh was informed that there was no signed agreement with Brighton Housing Trust. The Senior Solicitor stated that any planning permission ran with the land and there was no reason to make this a personal permission for Brighton Housing

Trust. Ward Councillor Gibson stated that the Trust managed sites and do not own them, and they were not aware of any formal agreement. The Planning Manager confirmed there was an extant permission for flats on land to the rear of the site, granted in 2004, which had not been built.

8. Councillor Yates was informed that the alleyway to side of the property was not within the red line site boundary and was not a new alleyway, however, the development would result in more use of the alleyway. It was noted that the refuse bins would be stored to the rear of the property and brought to the front on collection day. Ward Councillor Gibson considered there was a need for all sizes of accommodation across the city and they were in favour of studio flats, in this area of smaller houses, as there is an overriding need for houses due to the housing crisis.
9. Councillor Moonan was informed that the developer had another development in a nearby road. The developer's agent confirmed the other site was granted permission previously and the same architect had been used for both developments.
10. Councillor Childs was informed that the developer considered the design was the best use of the site in this high-density area.
11. Councillor Ebel was informed that the one bed flats were 37m² and the two bed flats were 90m², and this met minimum standards. It was also noted that there was no limit in planning terms to the number of studio flats in one development.

Debate

12. Councillor Moonan considered there was the potential for good design at this location and noted there was not a long- or short-term guarantee with the Brighton Housing Trust. The councillor considered the application to be an overdevelopment of the site and requested the developer re-think the development. The councillor supported the officer's recommendation to refuse the application.
13. Councillor Theobald considered the re-use of the church building to be good and felt a better mix of accommodation could be achieved, with a design that included family units. The councillor noted that no cycle or car parking were included in the application, and the bins were an issue. The councillor considered the development too small, an overdevelopment of the site and supported the officer's recommendation to refuse.
14. Councillor Barnett considered the units to be too small and claustrophobic, resulting in mental health issues for the occupiers. The councillor requested the application be refused.
15. Councillor Ebel considered the provision of affordable housing was good, however this should not be achieved at any cost. The councillor requested the developer re-think the design and asked the committee to refuse the application.
16. Councillor Childs considered the building to be handsome and in need of renovation, however the application is an overdevelopment of the site. The councillor considered the loss of the community asset to be an issue even though the building had not been used for many years. The councillor stated they were against the application.

17. Councillor Yates considered that cycle parking should be included, however, it was understood that car parking could not be included in the scheme. The councillor considered the re-use of the building to be good and noted the community use has stopped. It was noted that the pavements in the street were crowded and the councillor had no concerns relating to the existing alleyway or the elm tree. The councillor considered some of the windows, and all of the accommodation to be too small and of a low standard. The councillor did not support the development as there were too many flats in the building and requested that the application be refused.
18. Councillor Littman considered that other church conversions to accommodation had been done well, however, this was not a good conversion. The councillor requested the developer to come back with a better scheme.

Vote

19. The committee voted unanimously with the officer's recommendation to refuse the application.
20. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report 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.

B BH2021/00617 - 57 Northease Drive, Hove - Full Planning

1. The Planning Manager introduced the application to the committee.

Speakers

2. Ward Councillor Barnett addressed the committee and stated that the property had formerly been a 3bed house and was now a 6-bed house, with a rear extension which prohibits access to the rear garden. The councillor considered the development out of character for the area, an overdevelopment of the site, and unfair on the neighbours. The committee were requested to refuse the application.

Questions

3. Councillor Yates was informed that the red line on the 3D aerial shown in the presentation was incorrect and should only surround the application site and not the neighbouring dwelling.
4. Councillor Ebel was informed that the single bedroom proposed was slightly below minimum standards of 7m² at 6.8m².
5. Councillor Theobald was informed that the property had an existing single storey extension, a large rear garden and 41m² communal space.

Debate

6. Councillor Ebel raised concerns regarding the size of the single bedroom, where it was considered that only a bed and no other furniture could be used in the room. The standard of living was considered too low as the room was considered cramped. The committee were asked to refuse the application.
7. Councillor Yates considered the single room to be a box room, however the rest of the development was good for residents. The councillor considered that all the rooms in the development should meet standards and they could not agree to bad quality accommodation. The councillor was against the development.
8. Councillor Theobald considered the application to be an overdevelopment of the site and the single room to be too small. The councillor was against the application.
9. Councillor Moonan did not consider the proposal to be overdevelopment, however, one bedroom was below space standards.
10. Councillor Littman considered the development was nearly right, however, the single room was too small. The councillor was against the application.

Vote

11. A vote was taken, and committee voted by 0 to 7 against the officer recommendation. (Councillor Barnett was not present for the vote and took no part in the decision-making process).
12. Councillor Ebel proposed that the application be refused as it did not meet minimum standards and so the standard of accommodation proposed was unacceptable. The motion was seconded by Councillor Yates.

Vote

13. A recorded vote was taken, and committee voted by 7 to 0 to refuse the application. (Councillor Barnett was not present for the vote and took no part in the decision-making process).
14. **RESOLVED:** That the application be **REFUSED** on the basis of not meeting minimum room standards.

C BH2021/03029 - Cedar Centre, Lynchet Close, Brighton - Full Planning

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

D BH2021/02310 - 83 Mile Oak Road, Portslade - Householder Planning Consent

1. The report was withdrawn from the agenda after publication.

E BH2021/02084 - Ditchling Court, 136A Ditchling Road, Brighton - Removal or Variation of Condition

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

F BH2021/02657 - 44 The Cliff, Brighton - Full Planning

1. The Planning Manager introduced the report to the committee.

Speakers

2. Ward Councillor Fishleigh stated that the application property had many issues relating to several planning applications and Airbnb rentals. The property was constructed as two dwellings, a house and flat, concerns were raised regarding the use of the house. Noise and disturbance had been reported from the property by the neighbours and the councillor requested that the planning enforcement team investigate the use of the property. The councillor noted that the bins were often overflowing and asked that a condition requiring a bin store be added. The councillor considered that the two windows in the application may result in more rooms internally.
3. The Planning Manager stated that the application was for two windows and that was what was under consideration by the committee.

Questions

4. Councillor Yates was informed that the property was constructed as two dwellings, a house with a 'granny flat' below, granted in 1989.

Debate

5. Councillor Moonan commented that they had sympathy for the objectors, however, the application was for two windows. The councillor supported the application.
6. Councillor Yates considered that the design was good, and they supported the application as there was no planning reason to object.

7. Councillor Theobald considered an investigation into the use would be good and they supported the application.
8. Councillor Childs asked that the issues raised by the ward councillor be investigated and requested that councillors call on the government to let councils act on Airbnbs.
9. Councillor Littman sympathised with the neighbours and noted there were other issues being raised and asked that action be taken within the powers of planning enforcement. The councillor supported the application.
10. The Planning Manager noted that there was a enforcement file open on the property.

Vote

11. A vote was taken, and the committee voted unanimously to grant planning permission. (Councillor Fishleigh did vote or take part in the decision-making process).
12. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

G BH2021/02475 - 55 Goldstone Crescent, Hove - Removal or Variation of Condition

1. The Planning Manager introduced the report to the committee.

Questions

2. Councillor Yates was informed that there were tweaks only to the internal layout of the property, nothing significant.

Debate

3. Councillor Theobald considered the property to be of a poor design, overbearing, out of keeping in the streetscene and should be family homes, not blocks of flats. They considered the blocks of flats to be too big and would vote against the application.
4. Councillor Fishleigh considered that the developer was submitting this design now as they wouldn't have got planning permission originally. The councillor stated they would vote against the application.
5. Councillor Barnett considered that the character of the road had gone as a result of the blocks of flats.
6. Councillor Yates stated they supported the application.
7. Councillor Littman commented that they understood the issues raised, however, planning permission has been granted and they would support the variation of condition.

Vote

8. A vote was taken, and by 5 votes to 4 the committee voted to grant planning permission. (The chair used the chair’s prerogative of a casting vote).
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives as set out in the report.

H BH2021/02478 - 57 Goldstone Crescent, Hove - Removal or Variation of Condition

1. The Planning Manager introduced the report to the committee.

Questions

2. Councillor Yates was informed that the front elevation showed the correct roof line between the two proposed properties.

Debate

3. Councillor Theobald considered the impact of the development to be unacceptable on the street scene, the materials to be out of keeping, and the bulking and massing to be too much for the location. The councillor considered the development to be ugly and would change the streetscene. The councillor was against the application.
4. Councillor Littman noted that no.55 had been accepted and considered no.57 the same.

Vote

5. A vote was taken, and by 5 votes to 4 the committee voted to grant planning permission. (The Chair used the chair’s prerogative of a casting vote).

RESOLVED: That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives as set out in the report.

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

- 47.1 None

48 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

49 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

50 APPEAL DECISIONS

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

The meeting concluded at 4.19pm

Signed

Chair

Dated this

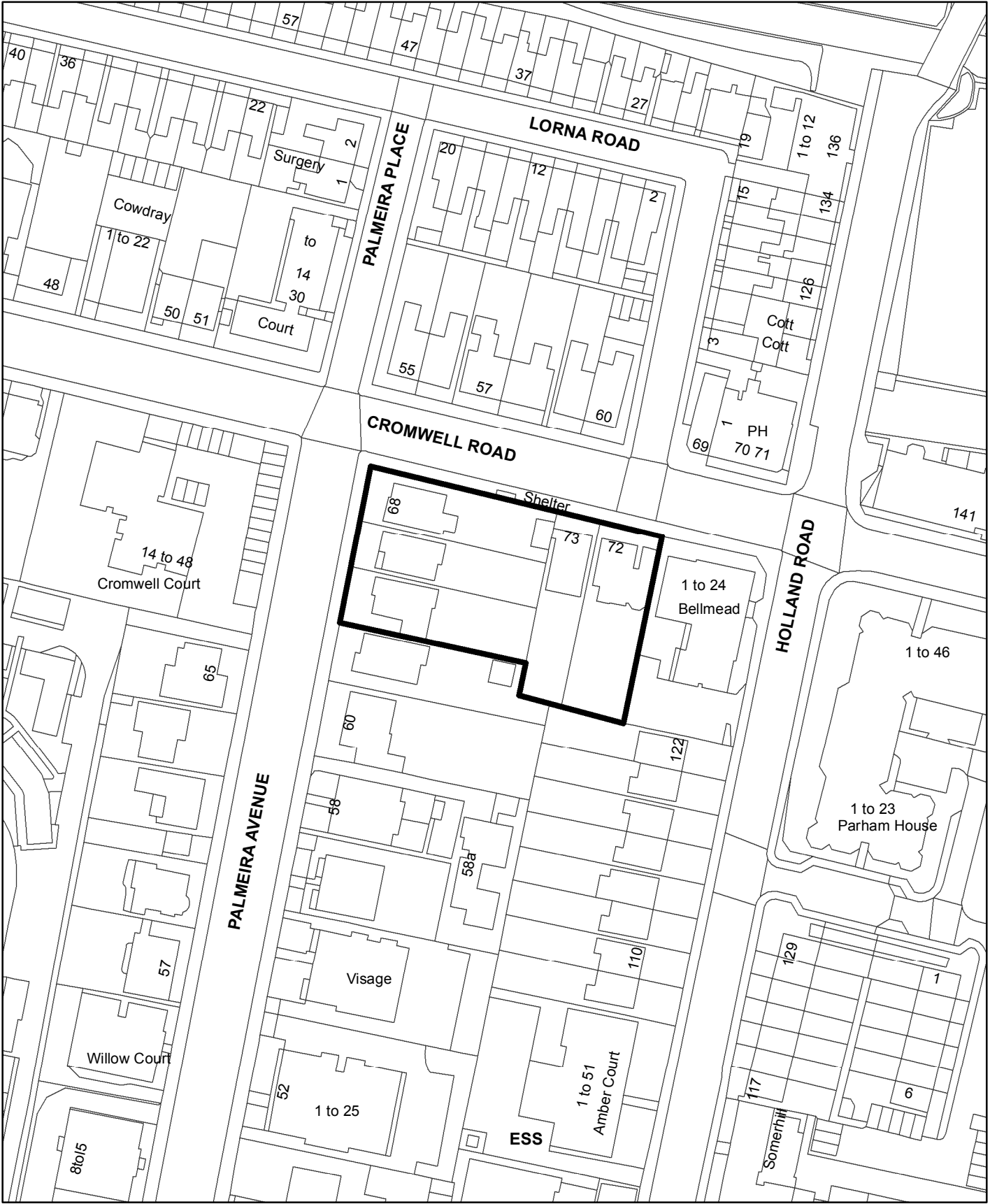
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ITEM A

**64-68 Palmeira Avenue
BH2020/01403
Heads of Terms for S106
to be tabled to
Planning Inspectorate for Appeal**

DATE OF COMMITTEE: 1st December 2021

BH2020 01403 - 64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|----------------------|
| <u>No:</u> | BH2020/01403 | <u>Ward:</u> | Goldsmid Ward |
| <u>App Type:</u> | Heads of Terms for S106 to be tabled to Planning Inspectorate for Appeal. | | |
| <u>Address:</u> | 64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road Hove | | |
| <u>Proposal:</u> | 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) | | |
| <u>Officer:</u> | Mick Anson, Tel: 292354 | <u>Valid Date:</u> | N/A |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | N/A |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | |
| <u>Agent:</u> | SF Planning Limited 12 Royal Crescent Cheltenham GL50 3DA | | |
| <u>Applicant:</u> | RKO Developments Ltd C/O SF Planning Ltd 12 Royal Crescent Cheltenham GL50 3DA | | |

1. PREAMBLE

- 1.1. At a meeting on 2 September 2020, the Planning Committee resolved, contrary to officer recommendation, to refuse planning permission for the redevelopment of 64 – 68 Palmeira Avenue and 72-73 Cromwell Road in Hove to provide 94 flats and associated works. An appeal has been lodged against that refusal.
- 1.2. The following report seeks the Committee’s agreement to draft Heads of Terms for a s106 legal agreement, should the Inspector allow the appeal. This makes no assumption about the decision the Inspector will make but will ensure that the Council secures the necessary mitigation if the scheme is approved.

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the Heads of Terms set out below for a draft S106 agreement to be tabled to the Planning Inspectorate for the forthcoming Appeal Hearing, in the event that the appeal is allowed by the Secretary of State.

S106 Heads of Terms

- Affordable Housing: Review mechanism to require Viability Assessment prior to occupation to reassess ability to provide affordable housing;
- A contribution of £26,100 to the Council's Local Employment and Training Strategy including a commitment to using 20% local employment during the

demolition and construction phases of the development/maintenance of green technologies installed in the development.

- An artistic component / element / public realm improvements as part of the proposed scheme and on the site or in the immediate vicinity to the value of £32,300.
- A scheme to secure 3 replacement street trees for every street tree lost within five years of commencement of development.
- A s278 in order to secure:
 - Closure of 3 x existing site accesses on Cromwell Rd and 1x existing access on Palmeira Ave;
 - Amendments to on-street parking and the proposed re-location of the solo motorcycle bay;
 - Creation of a new pedestrian-priority vehicular cross-over on Palmeira Ave, which will serve as the basement car park access for the site; and.
 - Removal/relocation of bus stop and shelter and creation of new loading bay.

3. SITE LOCATION & APPLICATION DESCRIPTION

- 3.1. The site, subject of an appeal against the refusal of the above residential redevelopment proposal, comprises a 0.3ha plot located to the west of the junction of Palmeira Avenue and Cromwell Road.
- 3.2. The site contains five, two-storey detached buildings, namely numbers 64 (currently vacant), 66 (two flats) and 68 Palmeira Avenue (single dwelling), and 72 (two flats) and 73 Cromwell Road (single dwelling).
- 3.3. The building at 64 Palmeira Avenue has previously been used as a nursery at ground floor level with flat above.
- 3.4. The application sought permission for the demolition of all of the buildings on site, and the erection of a residential block of 94 flats, in addition to a landscaped rear communal garden area and a basement carpark containing 47 car parking spaces. The block would be a maximum of seven storeys above ground with a lower ground floor level of accommodation.

4. REPRESENTATIONS

Not applicable

5. CONSULTATIONS

- 5.1. **District Valuation Service:** agree that appellant's reassessment of viability is sound and that no affordable housing can viably be provided with scheme.

6. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| CP7 | Infrastructure and developer contributions |
| CP20 | Affordable housing |

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

| | |
|------|---------------------|
| TR4 | Travel plans |
| QD16 | Trees and hedgerows |

Supplementary Planning Documents:

| | |
|-------|---------------------------|
| SPD06 | Trees & Development Sites |
|-------|---------------------------|

7. CONSIDERATIONS & ASSESSMENT

- 7.1. The main considerations are to agree that, in the event of the appeal being allowed by the Secretary of State, a s106 agreement should be secured on the Heads of Terms set out in the recommendation,

Background

- 7.2. At its meeting on 2nd September 2020, the Planning Committee voted to refuse planning permission for the above proposed development against officer recommendation for the following reasons:

Reason 1.

- 7.3. The proposed development would result in the demolition of existing dwellings that make a positive contribution to the character of the area and the loss of the dwellings is considered to result in harm. The proposed redevelopment, by reason of its excessive layout, scale and density would result in an inappropriate addition that would harm the character, appearance and visual amenity of the area. For this reason the development is contrary to policy CP12 of the Brighton & Hove City Plan Part One.

Reason 2.

- 7.4. The proposed development would provide an insufficient level of affordable housing and is therefore contrary to policy CP20 of the Brighton & Hove City Plan Part One.

Reason 3.

- 7.5. The proposed development by reason of its excessive height and scale would result in overlooking, loss of privacy, overshadowing and loss of outlook to neighbouring occupiers and is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

- 7.6. A date has been set for the appeal hearing of 14th December 2021. In preparation, the Council is required to indicate, without prejudice to the outcome

of the appeal, the Heads of Terms of any S106 Agreement to be considered by the planning Inspector.

Community Infrastructure Levy

- 7.7. Under the Community Infrastructure Levy Regulations 2010 (as amended) (CIL), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning permissions on and from the 5 October 2020 i.e. after the decision to refuse planning permission the subject of the appeal.
- 7.8. If this appeal were to be allowed, the developer would be liable for a CIL payment on commencement of the development. Following CIL, some of the commuted sums recommended to the committee when the application was determined could not now be sought because they would be funded through CIL, namely:
- A contribution of £57,589.40 towards education – now covered by CIL.
 - A contribution of £250,065.24 towards open space and recreation provision – now covered by CIL.
 - A contribution of £82,500 towards sustainable transport improvements in the vicinity – now covered by CIL.

Draft 106 Heads of Terms

- 7.9. City Plan Part One Policy CP20 seeks a target contribution of 40% affordable housing for schemes of more than 15 units, which for this scheme would equate to 37 units. However, the planning application was accompanied by a Viability Assessment which concluded that affordable housing provision on site was not viable. This was independently reviewed by the District Valuation Service (DVS) which found that the equivalent of between 4-5 affordable units would be viable, following which an off-site contribution of £354,503 was negotiated with the case officer. Notwithstanding the negotiated contribution the Committee considered that the proposed development would provide insufficient affordable housing (reason for refusal 2).
- 7.10. As part of the appeal submission, the appellants have submitted an updated Viability Report. This takes account of CIL, which was not considered in the previous Viability Assessment, and again concludes that no affordable housing would be viable. This report was reviewed by the DVS, on behalf of the LPA, using up-to-date site valuations and cost estimates, concluding that the assessment in the Viability Report is correct and no affordable housing could viably be provided. The CIL payment due to the council is estimated at this stage to be £1.05m which, along with the increased cost of the site, have reduced the viability of the scheme. This is £305,343 more than what would have been secured under the scheme that was presented to committee in September 2020. In addition, the appellant's costs in the updated Viability Report were underestimated due to the on-going requirement for S106 commuted sums for employment and public art which had not been taken into account by the appellants. Please see below table to show the differences pre and post CIL:

| Element | Pre-CIL | Post Cil |
|-----------------------------|------------------|--------------------|
| Affordable Housing | £ 354,503 | £ - |
| Local Employment & Training | £ 26,100 | £ 26,100 |
| Artistic Component | £ 32,300 | £ 32,300 |
| Education | £ 57,589 | £ - |
| Open Space & Recreation | £ 250,065 | £ - |
| Sustainable Transport | £ 82,500 | £ - |
| CIL | £ - | £ 1,050,000 |
| TOTAL | £ 803,057 | £ 1,108,400 |
| Variance | | £ 305,343 |

- 7.11. Under CIL payment, there would be circa £157,000 to be spent on improvements in the Ward.
- 7.12. The updated Viability Report and the DVS review of the Report can be found on the Planning Register.
- 7.13. It is recommended, therefore, that in the event of the appeal being allowed, the Heads of Terms of the S106 include a clause that allows for a review mechanism of the viability of the development at a key stage of the development process at the time. This would ensure that any additional surplus generated at development stage would be put towards maximising the level of affordable housing contributions that could be secured via the development.

Employment; Public Art; Transport and Tree planting contributions

- 7.14. The report to committee in September 2020 recommended that commuted sums towards an employment training scheme (including at least 20% local employees to be employed on the construction site) as well as public art be secured. These contributions are not covered by CIL and the commuted sums would be as before in the recommendation above.
- 7.15. Commuted sums for sustainable transport are now included within the CIL payment but any S.278 highway works required around or in the vicinity of the site can still be secured by a S106 agreement with the LPA. These requirements are set out above in the recommendation including the removal of existing vehicular crossovers and the creation of new ones, a new loading bay and relocation of a bus stop.
- 7.16. The case report to committee also recommended the replacement of any street trees lost during construction to be replaced at a ratio of 3:1. This is also recommended to be carried over into any s106 Agreement.

8. CONCLUSION

- 8.1. In the event that the appeal against the Planning Committee's refusal of the development proposal is allowed by the Secretary of State, officers consider that the development should be subject to a S106 agreement on the above Heads of

Terms in order to mitigate the impacts of the development and provide the necessary environmental and social infrastructure to make the development acceptable. Should the appellant not agree to the Heads of Terms set out in the recommendation they may instead provide a s106 unilateral undertaking to the Inspector, overriding the need for the Council to be a party. However, the ultimate decision as to whether a s106 planning agreement/undertaking is required, and the terms thereof, is that of the Planning Inspector.

9. EQUALITIES

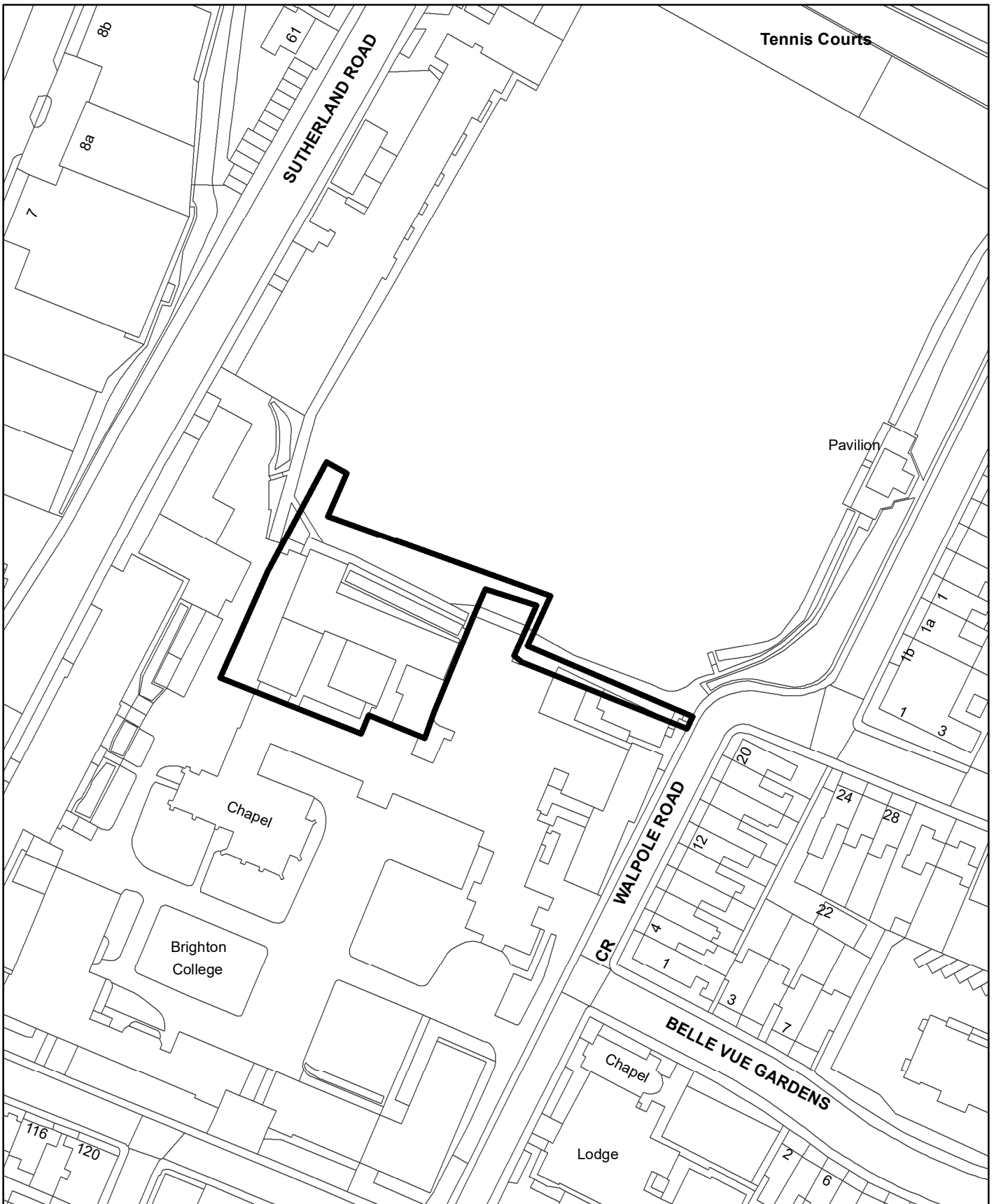
There are no equalities considerations.

ITEM B

**Brighton College
BH2021/01845
Full Planning**

DATE OF COMMITTEE: 1st December 2021

BH2021 01845 - Brighton College



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|--------------------------|
| <u>No:</u> | BH2021/01845 | <u>Ward:</u> | Queen's Park Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Brighton College Eastern Road Brighton BN2 0AL | | |
| <u>Proposal:</u> | Erection of a new Performing Arts Building, incorporating a 400 seat Theatre, 2no Dance/Drama Studios, new 6th Form Centre, multiple new Classrooms and offices, storage areas, a Cafe and associated works. (Amended Description) | | |
| <u>Officer:</u> | Ben Daines | <u>Valid Date:</u> | 18.05.2021 |
| <u>Con Area:</u> | College | <u>Expiry Date:</u> | 01.12.2021 |
| <u>Listed Building Grade:</u> | <u>EOT:</u> | | |
| <u>Agent:</u> | Lichfields The Minster Building 21 Mincing Lane London EC3R 7AG | | |
| <u>Applicant:</u> | Brighton College C/o Lichfields The Minster Building 21 Mincing Lane London EC3R 7AG England | | |

This planning application was deferred by the Planning Committee on 6 October 2021 as Members required further detail on the following matters:

- The ability to provide disabled access to the entirety of the proposed building including the balcony and technical level.
- Visualisations from surrounding streets to help understand the impact of the proposed performing arts building on the wider area.
- The extent of the proposed community use and number of external events in the proposed building, and any potential highway implications associated with this community use.
- A more detailed comparison of the proposed building with the existing buildings on the site and the drama building approved under BH2012/02378 which was never implemented.

The applicant's agent has produced two briefing notes and accompanying visualisations addressing the above issues. These papers and visualisations will be circulated to Members in advance of the Planning Committee meeting on 1 December but some of the main points in the briefing notes have been summarised in this amended Committee report. Additionally, the Transport Statement and Travel Plan have been updated to assess the highway impact of the proposed community/external use in more detail.

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 23 February 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report:

S106 Heads of Terms

Employment

- Submission of an Employment and Training Strategy
- A financial contribution of £6,250 towards the Local Employment Scheme

Transport

- Submission of a Travel Plan (incorporating an Events Management Plan) with an accompanying Monitoring fee of £5,785.52

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 |
|------------------|----------------------------------|----------------|----------------------|
| Report/Statement | BAT SURVEY | | 6 July 2021 |
| Report/Statement | TRANSPORT STATEMENT | | 19 October 2021 |
| Block Plan | 102S3103 | Rev A | 19 July 2021 |
| Proposed Drawing | 102S3202 | | 19 July 2021 |
| Proposed Drawing | 102S3105 | | 19 July 2021 |
| Proposed Drawing | 102S3200 | | 19 July 2021 |
| Proposed Drawing | 102S3201 | | 19 July 2021 |
| Proposed Drawing | 102S3203 | | 19 July 2021 |
| Proposed Drawing | 102S3204 | | 19 July 2021 |
| Proposed Drawing | 102S3205 | | 19 July 2021 |
| Proposed Drawing | 102S3206 | | 19 July 2021 |
| Proposed Drawing | 102S3302 | | 19 July 2021 |
| Proposed Drawing | 102S3304 | | 19 July 2021 |
| Proposed Drawing | 102S3401 | | 19 July 2021 |
| Proposed Drawing | 102S3402 | | 19 July 2021 |
| Proposed Drawing | 102S3403 | | 19 July 2021 |
| Proposed Drawing | 102S3404 | | 19 July 2021 |
| Location Plan | 102S3101 | Rev A | 19 July 2021 |
| Report/Statement | BREEAM PRELIMINARY ASSESSMENT | | 18 May 2021 |
| Report/Statement | ENERGY STRATEGY | | 7 September 2021 |
| Report/Statement | FLOOD RISK ASSESSMENT | | 18 May 2021 |
| Report/Statement | NOISE IMPACT ASSESSMENT | | 18 May 2021 |
| Report/Statement | PRELIMINARY ECOLOGICAL APPRAISAL | | 18 May 2021 |
| Report/Statement | SITE INVESTIGATION REPORT | | 18 May 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 samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

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

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

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

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

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

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

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

5. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. CEMP shall at least include:

- The phases of the Proposed Development including the forecasted completion date(s);

- 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;
- A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
- A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- Details of measures to ensure mud/dirt is not tracked onto the highway, including use of wheel wash facilities;
- Details of any oversailing of the highway construction, falsework, formwork and scaffolding
- Details of hours of construction and associated vehicular movements;
- Details of the construction compound; and
- A plan showing construction traffic routes, and details of any Abnormal Load Notifications/Orders.

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.

6. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
7. The use of the building hereby permitted shall not be carried out except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
8.
 - i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority.
 - ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

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

9. The development hereby permitted shall not be commenced until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
10. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
11. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report, Eight Associates, dated 14/05/21 with respect to the protection of reptiles and mammals, and in the Bat Survey Report, Eight Associates, dated 30/06/21 with respect to bats, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and as required by Policy CP10 of the Brighton & Hove City Plan Part One.
12. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity through implementation of the recommendations in the Preliminary Ecological Appraisal Report (Eight Associates, 14/05/21) and the Bat Survey Report (Eight Associates, 30/06/21) and the provision of swift boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
 - a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;

- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

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

13. No development above ground floor slab level shall take place until full details of door(s), window(s) and their reveals and cills, including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

14. Prior to occupation of the development hereby approved, the noise mitigation measures set out in the Brighton College Sound Impact Assessment document (Sound Space Vision May 2021) shall be implemented and maintained as such thereafter.

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

15. Prior to the occupation of the development hereby approved, details for community/external use shall be submitted to and approved in writing by the Local Planning Authority to set out arrangements for hours of use, access by non-school users and frequency of use. The approved scheme shall be implemented upon commencement of use of the development.

Reason: To ensure the proposed development provides wider community benefits and to protect amenity in compliance with policies SA6 of the City Plan Part 1 and policies SU10, QD27 and HO19 of the Brighton & Hove Local Plan.

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

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

Informatives:

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

2. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
3. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).

2. SITE LOCATION

- 2.1. Brighton College is located in the Queen's Park ward and is bounded by Eastern Road to the south-west, Sutherland Road to the west, College Terrace to the north-east and Walpole Terrace to the east. The College campus is a Conservation Area and contains several Grade II Listed buildings forming the College's main quadrangle. The main historic buildings on the campus were designed by George Gilbert Scott (1849-1865); Thomas Graham Jackson (1882 – 1923); and F. T. Cawthorn (1913 – 1929). Other 20th Century and 21st Century buildings are predominantly located north of the College's main quadrangle and on the western boundary. The boundary wall at College Terrace on the northern boundary is also Grade II listed.
- 2.2. The application site extends to 0.45ha and incorporates the Lester building, Science Block and existing performing arts centre (PAC) at the centre of the school site. These three buildings are 20th century additions that are not listed. A planning application and listed building application to demolish these buildings in order to accommodate the proposed new performing arts building were both approved on 10 August 2021 (see Relevant History section below). The PAC, Lester and Science Buildings cumulatively have a total Gross Internal Area of 2,577sqm.
- 2.3. The site is bordered by the Main Building and Thwaites Building to the south (both Grade II Listed), the Home Ground playing fields to the north, and the more recent Music Hall building to the east. Immediately to the west is Chapel Road, a thoroughfare within the campus currently used as pedestrian route by students and for parking by staff. Beyond Chapel Road is the Skidelsky Building and the Kai Yong Yeoh academic building which are both ore recent additions.
- 2.4. The sports field, known as Home Ground, occupies almost half of the College site and is a large, important piece of open space viewed from surrounding streets and buildings. The north and east boundaries of the sports field are also Listed.
- 2.5. The area surrounding the College campus is predominantly residential in character.

3. RELEVANT HISTORY

3.1. Whilst there is a substantial volume of historic planning and listed building applications associated with Brighton College, the following are considered to be of most relevance to this application :

| | |
|-------------------------|--|
| <p>18 December 2020</p> | <p>PRE2020/00295: Pre-application enquiry</p> <p>A pre-application enquiry was submitted regarding the application site in December 2020. In line with the current planning application, this proposed the demolition of the science block, existing performing arts centre and Lester building and the construction of a new performing arts building.</p> <p>The Local Planning Authority's response is summarised below:</p> <ul style="list-style-type: none"> • The principle of development, including the demolition of the Science Block, existing Performing Arts Centre, and Lester Building, is considered to be acceptable and has been established through the extant planning permission and listed building consent (BH2012/02378 and BH2012/02379 respectively). • The removal of the obstructions to views of the Main School from the West and North through the demolition of the Science Block and Lester buildings is considered a welcome heritage benefit. • The proposed performing arts building is considered to be of a high architectural quality. The scale of the building is significant and of some concern, however it is noted that the overall height is proposed to align with the ridge of the Main School and the massing references the eaves level of the adjacent Music Building and the Main School. Comparisons with the previously approved drama school are favourable in these respects. |
| <p>18 May 2021</p> | <p>BH2021/01843 (planning application): Demolition of Performing Arts Centre, science building and Lester building and making good works to the Thwaites building. Approved 10 August 2021</p> <p>BH2021/01844 (listed building application): Demolition of Performing Arts Centre, science building and Lester Building and making good works to the Thwaites Building. Approved 10 August 2021</p> |

| | |
|---------------|--|
| | <p>BH2019/01821 - Section 73 application to The Sports and Science Block: Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area. Alterations to vehicle entrance, flint boundary wall and cycle parking. (Original planning reference BH2015/02403 and Listed Building Consent reference BH2015/02404) - Approved 31 December 2019</p> |
| 1 August 2012 | <p>BH2012/02378 (planning application) - Full demolition of existing science department building and Blackshaw dining room and partial demolition of adjoining buildings and erection of new music and drama school buildings and dining hall with associated works – Approved 13 December 2012. Only partially implemented.</p> <p>BH2012/02379 (listed building consent) - Full demolition of existing science department building and Blackshaw dining room and partial demolition of adjoining buildings and erection of new music and drama school buildings and dining hall with associated works – Approved 13 December 2012. Only partially implemented.</p> |

4. APPLICATION DESCRIPTION

- 4.1. This application proposes the construction of a new performing arts building (following the proposed demolition of the existing buildings on the site, approved under consents BH2021/00843 & BH2021/00844) comprising the following:
- A 400 seat multi-functional theatre
 - Multiple dance and drama studios
 - A new 6th Form Centre
 - Space for social gathering incorporating a café/dining area
 - Classrooms for English and Drama
- 4.2. The proposed development seeks to consolidate performing arts facilities that are currently dispersed across the campus, including within the PAC building, and replace teaching space provided in the Lester building, both of which are proposed to be demolished. The new proposed sixth form area will replace the existing small sixth form area within the Lester building, the new café area will replace that lost in the existing PAC building, and the proposed teaching space in the form of classrooms will replace that lost in the Lester building.

- 4.3. The performing arts building would provide approximately 3,205sqm of floorspace over three levels plus a basement. The building would present as a part two and part three-storey design with the lower level facing the Home Ground, and the taller part of the building comprising the theatre box facing Chapel Road and the Main Building. The maximum height is proposed to be around 17.5m (from campus level) to sit level with the ridge line of the Main Building, with the lower roof level corresponding with the eaves height of the adjacent Music School to the east.
- 4.4. The proposed building is of a contemporary design and the external materials would comprise light grey masonry with square knapped flint stones that decrease in number as the building gets higher.
- 4.5. As a result of the proposed demolition of the existing buildings on the site, and the location of the proposed building, which is set away from the Main Building, new outdoor spaces would be created between the existing buildings and the new building. No specific details have been provided at this stage in respect of landscaping but a detailed hard and soft landscaping plan would be secured by a planning condition.

5. REPRESENTATIONS

- 5.1. Ten (10) letters of objection to the planning application have been received. The objections raised are as follows:
- The proposal will exacerbate existing parking issues – more dedicated resident parking bays are required in the area.
 - Noise disturbance during the construction phase and the passage of heavy trucks.
 - Building works at Brighton College have been ongoing for many years causing significant disturbance to residents.
 - No vehicles associated with the construction should be allowed into Walpole Road before 8am.
 - There is no community gain from the proposal.
 - The proposal will reduce the amount of green space in the area.
 - The proposal will be out of keeping with the Scott building (the Main Building) and music school with which it is grouped.
 - The proposal would block out the view of nearly all of the original school building
 - Degradation of the local environment due to overdevelopment of the school site

6. CONSULTATIONS

Internal Consultees

- 6.1. **Air Quality:** No objection
- 6.2. **Economic Development:** No objection subject to a financial contribution towards the Council's Local Employment Scheme for construction, and

submission and approval of an Employment Training Strategy, to be secured via a S106 agreement. ’

- 6.3. **Environmental Health:** No objection subject to the building not operating between the hours of 11pm and 7am on Monday to Saturday with no opening on Sundays or Bank Holiday Mondays.
- 6.4. **Heritage:** No objection to the planning application but Heritage do raise concerns regarding the scale and massing of the building. Their comments are as follows:
- The principle of demolition of the Science Building and the northern part of the Lester Building was established by permission granted in 2012. As part of the current proposal the removal of this building allows the creation of open spaces adjacent to listed buildings at the core of the College. This is welcomed by the Heritage Team as having potential to better reveal the heritage assets and is supported as a heritage benefit.
 - The scale of the building is significant and of some concern. In particular the form of the upper level contrasts strongly with the roof forms of the established buildings and is in close proximity to heritage assets.
 - The proposed building is of a notably high standard of design with clear attention to materials and detailing.
 - The balance between heritage benefits and the identified less than substantial harm is very fine, and it will be necessary to further justify this with public benefits from the scheme.
- 6.5. Following comments from Historic England and the Council’s Heritage Section, further justification for the size of the building was provided by the applicant. The Heritage Section have provided further comments in response to this additional information as set out below:
- The architects have explained some of complex functional requirements of the building and have shown that reductions in height / massing are not possible without sacrificing functions considered critical to the project.
 - As a result it is stated that any further reduction in scale would make the project unviable for the College.
 - The less than substantial harm to heritage assets that has been identified is the minimum that can be achieved and therefore it is considered that the public benefits that have been identified by the applicant can now be weighed against the low level of residual harm.
- 6.6. **Planning Policy:** No objection subject to comments from other officers and detailed Development Management considerations. Seek a Site Waste Management Plan by condition.
- 6.7. **Sustainability:** No objection subject to receipt of further details sought by condition as follows:
- Green roof planting specification and management
 - BREEAM post-construction certification
 - Further details of building fabric and heating, cooling and lighting systems,
 - seeking to minimise the use of fossil fuels on site (gas) and maximise

efficiency of systems

- 6.8. **Sustainable Drainage:** No objection subject to the following conditions:
- A detailed management and maintenance schedule detailing roles and responsibilities for each SuDS item
 - A confirmed detailed surface water management design
- 6.9. **Sustainable Transport:** No objection subject to the following:
- A condition securing a Construction Environmental Management Plan
 - A Travel Plan and Events Management Plan secured via a S106 agreement.

External Consultees

- 6.10. **Archaeology:** No objection subject to the following conditions:
- Implementation of a programme of archaeological works in accordance with a written scheme of investigation
 - Submission and approval of an archaeological site investigation and post-investigation assessment.
- 6.11. **Conservation Advisory Group:** No objection.
- 6.12. **County Ecologist:** No objection subject to the following:
- A condition ensuring compliance with the biodiversity method statement, strategies, plans and schemes
 - A condition requiring an ecological design strategy.
- 6.13. **Historic England:** Neither support nor object to the planning application but do raise concerns regarding the scale and massing of the building. Their comments are as follows:
- Consider the new building in its own right to be a high quality, innovative design that will replace uninspiring buildings that currently do not make a positive contribution to setting of the listed buildings or that of the conservation area.
 - The materials for the building have been informed by and take references from the existing flint work on the listed buildings and South Coast chalk cliffs but expressed in a contemporary way.
 - Welcome the opening up of views of the Main School from the West and North, providing a separation between the new development and listed buildings, as well as re-introducing circulation routes around the site.
 - There are some clear heritage benefits arising from this scheme. However, there are concerns regarding the scale and massing of the new building which will be positioned in very close proximity to the listed buildings and the impact this has on their significance. It is acknowledged that the building is no taller than the ridgeline of the main building, however the massing and form of the building at the upper levels is much greater than the varied and articulated roof forms of the historic buildings.
 - As a result of its large scale and massing, the development will rise up behind the established scale and will appear as an overbearing and dominating presence in some viewpoints and in particular in views from Chapel Road. This will therefore cause some harm to the significance of the

listed buildings by competing with and disrupting the established historic form and hierarchy of buildings at the site. It will also interfere with an appreciation of the Sir Gilbert Scott and Sir Thomas Jackson defined quadrangle as the centre piece buildings of the site.

- Recommend that the Local Authority explores with the applicant whether the less than substantial harm (in NPPF terms) identified above can be minimised any further by reducing the scale of the building, so it is not visually dominant or overbearing within the close setting of the listed buildings.
- Where amendments cannot mitigate all the harm and there is a clear and convincing justification for that which remains, then any residual harm should be weighed against the public benefits of the proposal.

6.14. **Southern Water:** No objection but make a number of recommendations regarding the SuDS scheme and recommend the inclusion of an informative regarding details of foul sewerage and surface water disposal.

6.15. **Sport England:** No objection.

6.16. **Theatres Trust:** No objection but make the following comments:

- As a new-build modern standards of accessibility should be achieved so we would encourage further review of wheelchair access into and around the theatre.
- Provision of the theatre will both enhance local cultural provision and provide students with the opportunity to develop education and skills in theatre and the performing arts.
- Support inclusion of the theatre and raise no objections to the granting of planning permission.

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. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.3. 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.

- 7.4. 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 and Hove City Plan Part One:

| | |
|------|--|
| SS1 | Presumption in favour of sustainable development |
| SA6 | Sustainable neighbourhoods |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP12 | Urban design |
| CP15 | Heritage |

Brighton & Hove Local Plan 2005 (retained policies):

| | |
|------|---|
| TR4 | Travel Plan |
| SU9 | Pollution and nuisance control |
| SU10 | Noise nuisance |
| QD27 | Protection of amenity |
| HO19 | New Community Facilities |
| HE1 | Listed Buildings |
| HE3 | Development affecting the setting of a listed building |
| HE6 | Development within or affecting the setting of conservation areas |

Brighton and Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 (CPP2) 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.

| | |
|------|---|
| DM9 | Community Facilities |
| DM20 | Protection of Amenity |
| DM26 | Conservation Areas |
| DM27 | Listed Buildings |
| DM29 | The Setting of Heritage Assets |
| DM33 | Safe, Sustainable and Active Travel |
| DM36 | Parking and Servicing |
| DM40 | Protection of the Environment and Health – Pollution and Nuisance |
| DM43 | Sustainable Drainage |

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, appearance and heritage issues

having particular regard to the impact of the proposals on adjacent heritage assets; public benefits, impact on residential amenity; sustainable transport; sustainable drainage; sustainability; landscaping and biodiversity.

Principle of Development

9.2. The principle of providing a new performing arts building on the site has been established by planning and Listed Building Consents BH2012/02378 and BH2012/02379 respectively which permitted the demolition of the existing PAC, science block and part of the Lester building and the erection of new music and drama school buildings. These consents were only partially implemented in that the new music building was constructed but the PAC, science block and Lester building were not demolished and a new drama building was not erected. These consents are therefore considered to be extant and represent a fall-back position for Brighton College.

9.3. The following table summarises the development approved in the 2012 permission, compared with that presently proposed.

| | Approved (BH2012/02378 and BH2012/02379) | Proposed |
|---------------------|---|---|
| Facilities | Music and drama buildings, dining hall. The proposed drama building also contains studios and café. | 400 seat theatre, studios, 6 th form centre, café, classrooms. |
| Floor Area | Approx. 2,920 sqm (including retained parts of Lester building and existing PAC). | 3,205 sqm |
| Audience capacity | 190 | 400 |
| Approved demolition | Science building/dining room; Part of Lester building. [Drama school not implemented] | Demolition already approved: Lester Building PAC Science Block |

9.4. The previously approved drama building has a proposed floor area of around 2,920sqm (including the retained Lester building and PAC). This is 300sqm less than the currently proposed performing arts building and the theatre is significantly smaller.

9.5. As set out earlier in this report, planning permission (BH2021/01843) and Listed Building Consent (BH2021/01844) have also recently been approved for the demolition of the PAC, science block and Lester building so the principle of demolition of these buildings has also already been established.

9.6. Therefore, the principle of the development of a new performing arts building on the site is considered to be acceptable, although it is acknowledged that the proposed performing arts building is notably larger than the previously approved

drama school and has a significantly greater audience capacity. Issues of design and heritage, impact on parking, residential amenity etc. are considered below.

Design, Scale, Massing, Appearance and Heritage

- 9.7. As already noted, the College is within a Conservation Area, and contains several Grade II Listed buildings, including the Main Building and Thwaites Building immediately next to the application site.
- 9.8. In considering whether to grant planning permission for development which affects a Listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.9. Case law has held that the desirability of preserving a Listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".
- 9.10. The proposed performing arts building is a high-quality, contemporary building that has been designed to have a strong presence within the campus and deliver a 400 seat multifunctional theatre, a number of dance and drama studios, a 6th Form Centre, space for social gathering including a café/dining area, and classrooms for English and Drama.
- 9.11. The proposed building would be a single structure within landscaped spaces, providing visual and physical links with the campus generally and the adjacent Listed buildings in particular. The removal of the obstructions to views of the Main Building from the West and North through the demolition of the Science and Lester buildings is considered a significant heritage benefit.
- 9.12. The site sits at an important juncture within the campus between the neogothic Main Building and other heritage assets to the south and the recent contemporary and modern developments to the west and east including the Music School to the east and the School of Sports and Science to the north east. Accordingly, the form takes reference from the School of Sports and Science and the materiality reflects the Main Building and other buildings on site through the use of horizontal flint bands within a light grey brickwork, with the intervals of the flint bands reducing higher up the building. At Campus level, the ground floor will be predominantly glazed with windows providing views into the studio and social spaces, at basement and ground floor respectively, and foyer, in turn creating active frontages that interact with the outdoor space.
- 9.13. The scale of the proposed building is significant. The overall height is proposed to align with the roof ridge of the Main Building and the scale of the lower element fronting on to the Home Ground also aligns with the eaves level of the Music Building to the east. Comparisons with the previously approved drama school are favourable in these respects. Although the overall scale is greater than the previously approved drama school, the changes in plane on the north elevation between ground and first floor level, and then again between first and second floors help to break down the bulk and reduce the dominance of the building.

- 9.14. Whilst the overall height of the proposed building makes reference to the ridge height of the Main Building, the form of the upper level of the proposed building contrasts with the roof forms of the established buildings and would be a dominant presence, particularly due to its close proximity to the listed assets.
- 9.15. As a result, Historic England have expressed reservations regarding the scale and massing of the building so the applicant was asked to consider a reduction in its scale.
- 9.16. The applicant has responded that further reductions to the size of the building are not possible without undermining its function as a performing arts building and the overall viability of the project and has submitted further written justification in this regard.
- 9.17. Specifically it is stated that the ground levels of the building are constrained by external ground levels and surface drainage, and also that the basement level could not be lowered further due to the need for escape and access compliant connection to the basement level of the Music building.
- 9.18. The internal heights for the theatre functions are stated to be the minimum possible for proper functioning, with the sacrifice of some functional elements having already been made to achieve the heights currently proposed. The volume and form of the atrium has been determined by the requirements of its function for smoke extraction in the event of a fire and is the minimum that can be achieved. It is further confirmed that it has been necessary to reduce accessibility for wheelchairs to the theatre balcony in order to achieve a smaller roof volume.
- 9.19. It is of note that these factors have also informed the applicant's decisions in relation to providing access throughout the building for those in wheelchairs. While this has been maximised, it has not been possible to provide full access without increasing the scale of the building, which would not be acceptable in terms of heritage impacts.
- 9.20. Specifically, to provide wheelchair access to the balcony and technical level, the lift would need to extend vertically, resulting in the curved roof of the building moving further north, with an increase in bulk when viewed from Home Ground. It is not likely to be possible to provide full wheelchair accessibility whilst ensuring that the height of the new building is no higher than the ridge height of the listed Main Building. Further details regarding accessibility considerations for the proposed performing arts building are set out in the Equalities section of this report
- 9.21. The Council's Heritage officers, following receipt of further justification from the applicant, are satisfied that the proposal would result in less than substantial harm to adjacent heritage assets. In accordance with paragraph 202 of the NPPF, where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal. Whilst the public benefit is limited by the fact that Brighton College is an independent school and the proposed

performing arts centre would not be open to the public on a regular basis, the applicant has provided a briefing note setting out the extent of the community use proposed. The public benefits of the proposal are set out and considered later in this report.

- 9.22. Having regard to the wider impacts of the proposal on the streetscene, the application site is set well within the College, away from the surrounding roads where views would be more publicly available. Nevertheless, views of the proposed performing arts building would be available from some locations on Sutherland Road to the west, Walpole Terrace to the east, and more distant views across the Home Ground from College Terrace to the north. However, the proposed building would not be prominent on the streetscene and the high quality design would ensure that there would be no harmful impacts.
- 9.23. With regard to the materiality of the proposal, the proposed graded use of flint banding within the pale masonry is effective and would be in keeping with the surrounding buildings.
- 9.24. It is therefore considered that, on-balance, the proposal is acceptable having regard to scale, massing, design and impacts on heritage assets and would therefore comply with the NPPF, policies CP12 and CP15 of the City Plan Part 1, policies HE1, HE3 and HE6 of the Local Plan (2005), and policies DM26, DM27 and DM29 of the emerging City Plan Part 2(which can all be given significant weight).

Public Benefits

- 9.25. As set out above, in accordance with paragraph 202 of the NPPF, where there is less than substantial harm associated with a proposal, the harm should be weighed against the public benefits of the proposal.
- 9.26. The applicant's agent has issued a briefing note setting out the extent of the community use of the proposal noting that the new facility would be available at no charge for use by 20 partner schools outside of term time, a total of around two weeks each year. This would be made available to external groups if there is a lack of demand from schools.
- 9.27. In addition, the facility will be available during term time for three local primary schools that already use the College's sports, science, drama and music facilities; by Patcham High School's GCSE group who collaborate with the College to perform an annual Shakespeare play; and by the Syrian refugee community who use College facilities on a weekly basis and for key celebrations.
- 9.28. The briefing note submitted by the applicant goes on to state that the extent of community use has been carefully considered and has had regard to other responsibilities of the College including safeguarding of the pupils, the requirements of pupils of the school, refurbishment and renovation activities that take place at the school during school holidays, and traffic implications.
- 9.29. It is therefore considered that the public benefits associated with the proposal, while relatively limited, are sufficient that they would outweigh the less than

substantial harm identified to adjacent heritage assets that would be likely to result from the proposed building. A condition to secure these community benefits would be attached to any planning consent.

Impact on Residential Amenity

- 9.30. Policy QD27: Protection of Amenity 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 policy is further supported by policy DM20: Protection of Amenity of the emerging City Plan Part 2 (which can be given significant weight).
- 9.31. Whilst the uses surrounding the College campus are predominantly residential, the application site is relatively central within the campus and some distance from any residential properties. Therefore, the proposed development would not have any harmful impact on the outlook, light or privacy available to nearby residential properties.
- 9.32. Given the distance of the application site from neighbouring residential properties, the proposal is also unlikely to have significant impacts on these properties in respect of noise. This conclusion is supported by a Sound Impact Assessment report submitted with the planning application which concludes that the sound impact on residential receptors as a result of the use of the proposed building would be negligible. This is due to the following factors:
- There is no external plant as all plant is located within the building.
 - Concrete is proposed for the non-glazed façade elements of the building, with substantial thermal insulation and internal wood and plasterboard linings. This will have high sound insulation performance, which will both maintain low background noise levels inside the building and contain entertainment and activity sound within it.
 - Sound levels for louder events in the theatre would not normally exceed 100 dB LAeq. The vast majority of the time the sound level would be significantly lower. Similarly, other spaces that might have amplified sound produced such as the dance studio or music practice rooms (both situated at basement level) would be unlikely to exceed 90-95 dB LAeq. Brighton College has confirmed that the building will not operate during the night-time hours (11pm – 7am) and this will be secured by condition.
 - The theatre roof is of a large construction with a surface density of at least 120 kg/m². There is a glazed oculus in the roof, made of heavy structural double glazing, with minimum glass thicknesses of: 10mm glass/ 16mm void (argon) / 13.5mm laminated glass.
 - The performance space; where amplified sound will be produced, is to be mechanically ventilated, with no openable windows.
- 9.33. The Council's Environmental Health officers are satisfied with the conclusions of the Sound Impact Assessment and have raised no objection subject to a condition regarding opening times (no use outside between the hours of 11pm and 7am). Environmental Health have also recommended that the building is not to be used on Sundays and Bank Holidays but given the range of uses within

the building (which also includes classrooms and a 6th form centre) and the conclusions of the Sound Impact Assessment, restrictions preventing any use of the building on Sundays and Bank Holidays are not considered to be reasonable.

- 9.34. Having regard to potential impacts on nearby residents during the construction phase of the development, a Construction Environmental Management Plan will be secured by condition to minimise disturbance as far as is possible during construction. The CEMP will also stipulate the hours that construction activities can take place.
- 9.35. The impacts on the residential amenities of neighbouring properties as a result of traffic movements and parking issues associated with performances at the proposed performing arts building have also been considered. However, as set out in the Sustainable Transport section below, the site is in a sustainable location which would allow external visitors to access the site via public transport, and events which involve performances by pupils of the College will typically have a significant number of the attendees and performers (circa 150) already on site which would help to reduce trips to and from the site. It should also be noted that many of the events and performances already take place at the College and it is only the increase in trips associated with the increase in the size of the theatre capacity that should be considered. On this basis, it is not considered that the additional impact on the amenities of neighbouring residents would be so harmful as to warrant a refusal of planning permission.

Sustainable Transport

- 9.36. The proposed building replaces an existing performing arts facility and although the proposed building is notably larger, it will not result in an increase in the number of staff or pupils at the College and it is therefore unlikely that there would be an increase in vehicle movements to and from the site during normal school hours. As a result, no additional parking spaces are provided as part of the application.
- 9.37. Following deferral of the application at the Planning Committee on 6 October, the Transport Statement and Travel Plan submitted with the planning application were updated and the amended Transport Statement clarifies the various events that will take place at the College, drawing a distinction between College Use events which take place in the term time and Partner School Use events.
- 9.38. With regard to College Use events in term time, these would comprise the following:
- End of term music concerts (where it involves orchestras that exceed the music school capacity): Typically, 4no. events per annum (1 night each) with an audience size of 300 made up of c. 150 staff and boarders already on site and 150 visiting.
 - GCSE and A level drama & Dance performances: Typically, 3no. events per annum (1 night each) with an audience size of 100 made up of c. 50 staff and boarders already on site and 50 visiting.
 - Year group performances (separate performances by fourth form, fifth form and sixth form): up to three events per year at the proposed theatre, that run for up to 4 nights each. Typically, an audience size of 300 (made up of c.150

staff and boarders already on site and 150 visiting), although the potential for full capacity is assessed in the Transport Statement, as a worst-case scenario.

- 9.39. The Transport Statement goes on to state the following:
'The event nights could host a maximum of 400 visitors (capacity of the theatre) plus performers, with the typical number of attendees to be already on the College campus expected to be around 150, made up of boarding students and staff already on site. Therefore, the number of visitors attending an event which will be travelling to the site is likely to be 250 visitors.'
- 9.40. Based on the Brighton College Senior Travel Survey (SMOTS) data, it is estimated that in a worse-case scenario, 90 visitors may choose to drive to the site. *'However, this does not account for visitors who are car sharing and also does not account for the promotion of sustainable modes of travel via a Travel Plan and online ticketing system, which are yet to be implemented.'*
- 9.41. The Transport Statement goes on to state that
'Based on the above, it is reasonable to assume that the actual number of visitors travelling to an event via single occupancy car will be significantly lower than the worst-case 90 car trips.'
- 9.42. Given the College is located in a highly accessible location via sustainable transport with limited car parking on the College site, it is envisaged that a number of visitors and performers will utilise the existing public transport network to travel to and from the College.'
- 9.43. The Transport Statement then goes on to consider Partner School Use events which would take place outside term time. The Transport Statement states the following:
'Brighton College already has extensive community links with these expected to be enhanced further by facilitating access to the proposed facility with Brighton College's existing partner schools. Detailed information on the external community/partner school events and the likely number of attendees will be secured via condition and as part of the Travel Plan for the S106 Agreement with the local planning authority. An event could host a maximum of 400 visitors (capacity of the theatre) maximum, plus performers, with these events being outside of term time all visitors and performers will arrive from outside of the College.'
- 9.44. *Per annum the partner schools will have access to utilise the new facilities for 10 nights. These are the only evening events that are not currently taking place on the College's campus. All of which will occur outside of term time, and therefore when traffic patterns on the surrounding local highway network are naturally lower.*
- 9.45. *Given the College is located in a highly accessible location via sustainable transport with limited car parking on the College site, it is envisaged that the*

visitors and performers will utilise the existing public transport network to travel to and from the College.

- 9.46. *The College strives to improve their carbon footprint of their day-to-day operations with the aspiration of being carbon net zero. As such the College will be promoting sustainable travel to and from the College via the existing College newsletter, including guidance on the event days.*
- 9.47. *Furthermore, as part of the online ticketing process the website will promote alternative methods of travel to single occupancy car travel. This will be supervised as part of the Travel Plan Co-Ordinator's on-going monitoring. For example, for those visitors wishing to drive to the College it will be promoted that they park at local public car parks and utilise local bus service which stop to the vicinity of the southern access to the College along Eastern Road.*
- 9.48. *On the external event days the traffic to and from site will be predominantly outside of peak hour travel times and predominantly during the holiday period, when traffic flows are typically lower.*
- 9.49. *Furthermore, the use of public transport will continue to be encouraged in line with the College Travel Plan and the event day online ticketing process.'*
- 9.50. Whilst it is highly likely that some trips to the Partner School Use events will be via car, the College is in a sustainable location with good links to public transport and, given the relative infrequency of the external events proposed, it is not considered that the overall impact on highway capacity would be severe, and there are no concerns regarding road safety being unacceptable. Accordingly, the Local Highway Authority have raised no objection subject to the receipt of an acceptable Travel Plan and Events Management Plan which will be required as part of the S106 agreement with a focus on how travel to the site will be managed during external events/community use.

Sustainability

- 9.51. A number of sustainability measures are proposed for the new performing arts building including the following:
- A BREEAM 'Excellent' rating in accordance with CPP1 Policy CP8: Sustainable Buildings.
 - A carbon emissions reduction of 27% compared to Building Regulations Part L.
 - Passive design measures include natural ventilation within the building; overhangs to provide shading to glazed areas; high quality thermal envelope and airtightness; high thermal mass; solar glazing.
 - An audit will be carried out of existing buildings and hard surfaces being considered for demolition to determine whether the materials can be refurbished or reused.
 - Natural ventilation via opening windows will be maximised. Mechanical ventilation with heat recovery will be used to provide additional heating and
 - cooling.
 - An overheating assessment has been carried out, with all spaces passing the
 - overheating criteria.

- Heating and hot water will be connected to the college's open loop borehole system and heat pump to heat and cool. Additional gas boilers will provide heat
- required above what the heat pump provides.
- Sensors and controls for lighting, heating and colling will be installed.
- A high percentage of glazing will be incorporated into the scheme to maximise daylight, and low energy LED lighting will be installed.
- PV panels on the upper roof.
- Water consumption to be reduced by at least 25% over the baseline water usage.

9.52. It is therefore considered that the proposed development would comply with CPP1 Policy CP8: Sustainable Buildings and the Council's Sustainability Officer has raised no objection to the proposal.

Landscaping and Biodiversity

9.53. Policy CP10: Biodiversity of the City Plan Part 1 aims to ensure that all development proposals conserve existing biodiversity and provide net gains for biodiversity wherever possible.

9.54. The Preliminary Ecological Appraisal (PEA) submitted with the planning application outlines that existing buildings' walls and roofs, and trees and habitats on and adjacent to the site were inspected for their potential to support protected species. A bat survey of the existing buildings on the site was also undertaken and found no evidence of roosting bats. The PEA states that given the scale of the works and the physical separation of the site from any designated sites, it is considered that there will be a negligible effect on ecology as a result of the proposal. No objection has been raised by the County Ecologist.

9.55. In order to enhance biodiversity on the site, the PEA recommends the following measures be implemented as part of the proposal:

- Installation of at least two bat bricks
- External lighting in line with Bat Conservation Trust guidelines
- Installation of at least two bird nesting boxes
- Native planting

9.56. The above measures, as well as an Ecological Design Strategy, will be secured by a planning condition.

9.57. A detailed landscaping plan will also be secured by planning condition as no detailed landscape proposals have been submitted with this planning application.

Conclusion

9.58. The principle of a replacement performing arts building is considered acceptable and has been established by previous planning consents relating to the site.

- 9.59. The proposed performing arts building is considered to be of a high architectural quality, and the design and materials take cues from adjacent buildings. The scale of the proposed building is considerable and would have a strong presence on the campus. However, the fact that the proposal would open up physical and visual links between the Home Ground and the Grade II Listed Main Building would be a considerable heritage benefit.
- 9.60. A number of options have been considered for providing wheelchair access throughout the new building including to the balcony and technical level and an acceptable design solution has not been found. It is considered that a reasonable balance needs to be struck between maximising access to the building for those in wheelchairs, whilst not significantly harming the notable Listed heritage assets within the site.
- 9.61. It is therefore considered that the proposal would result in less than substantial harm and when this limited harm is weighed against the (albeit relatively limited) community benefits, on balance the scheme is considered to be acceptable. A robust justification of the size requirements of the building has also been submitted by the applicant.
- 9.62. It is not considered that the proposed development would have any harmful impacts on residential amenity, the highway network, and ecology.
- 9.63. The proposed development would therefore comply with the NPPF, relevant policies within the City Plan Part One, the emerging Policies in the City Plan Part 2, and retained policies in the Brighton & Hove Local Plan (2005), and the approval of planning permission is recommended subject to the conditions above.

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. However, due to the proposed use of the building for educational purposes, the proposal would not be CIL liable.

11. SECTION 106 HEADS OF TERM

- 11.1. A S106 agreement will be required for this planning application. The Heads of Terms for such an agreement are as follows:
- 11.2. Employment
- Submission of an Employment and Training Strategy
 - A financial contribution of £6,250 towards the Local Employment Scheme
- 11.3. Transport

- Submission of a Travel Plan with an accompanying Monitoring fee of £5,785.52
- 11.4. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to deliver an employment and training strategy in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 2. The proposed development fails to deliver a Local Employment Scheme contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to deliver a Travel Plan to help reduce the impact of external events within the proposed performing arts building on the highway in accordance with Policy CP9 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

12. EQUALITIES

- 12.1. The proposed performing arts building includes a lift providing access to all the main floors with the exception of the theatre balcony and technical levels. This application was deferred at the Planning Committee meeting on 6 October, with one of the reasons given seeking assurance that the applicant had fully explored all options to provide disabled access to the balcony and technical level. A briefing note has been produced by the applicant's agent which demonstrates that full accessibility to all parts of the building was considered extensively. This aspect of the briefing note is summarised below:
- Providing wheelchair access to the balcony and technical level has been explored throughout the design process in discussions with the College and the approved Building Inspector.
 - To provide wheelchair access to these areas, the lift would need to extend vertically which would change the massing of the building. Notably the curved roof would need to move further north and so in the perspective view from the north (Home Ground/College Terrace) the building would appear relatively taller. Pre-application advice from the Council requested that opportunities to reduce the height of the building where possible were considered so that it was no taller than the Grade II listed Main Building. Providing wheelchair access to the building therefore needed to be considered alongside the Council's requirement to maintain the height in line with the Grade II listed building, and a balance struck to satisfy both requirements.
 - Other design constraints encountered when considering options for incorporating lift provision for all levels include compromising the structural design for the building and provision of necessary circulation routes, undermining the acoustic design for the theatre leading to potential noise issues arising from the theatre, and prohibiting roof maintenance access to the roof.

- The College has an Access Policy to ensure full access to the curriculum and training for wheelchair users. For example:
 - (i) The in house lighting and sound control position at the back of the stalls is fully accessible and an additional variable height desk can be added at the side of the control desk for further technical control such as video or for a supervising staff member.
 - (ii) The motorised stage equipment enables training activities in technical theatre to take place at stage level to include wheelchair users.
 - (iii) There are control positions on stage from where a staff wheelchair user could operate flying equipment and orchestra pit lift using pendant controls.
- The Building Regulations requirement is for 6 wheelchair spaces in the theatre. The proposed development provides 8 spaces in the stalls that provide good circulation, including level access to the stage, good level of comfort, proximity to toilets and acceptable visibility of the stage (including sightline for lip reading).
- The proposed building has been designed to accord with Part M of the Building Regulations 2015, which sets the requirements for access to and use of buildings, and as above exceeds the required quantum of wheelchair spaces.
- Specific guidance has also been sought from the approved Building Inspector, noting that the auditorium is considered as a whole (rather than by level) with wheelchair access concentrated in the stalls where both level access and WC facilities are nearby. A note has been prepared by the approved Building Inspector which sets out a comparison of how the proposed development performs with 8 other new theatre projects and existing theatres.
- In addition, technically the inclusive theatre design for the audience has made provision for:
 1. The hard of hearing with a Radio Frequency assisted hearing system, and projected surtitles such as Stage Text;
 2. The visually impaired with short rows of seats which are easy to access near to the stage;
 3. Two video links to studio spaces should there be relaxed performances or a neurodiverse audience.

12.2. In addition, the main entrance levels have been designed to ensure that a slope to the entrance is fully accessible and a maximum gradient of 1:20.

12.3. The route to the east of the building from the courtyard up to the home-ground is suitable for stepped access only due to the change in level. Access to the home-ground can be achieved by a ramped route around the west side of the building or by using the lift.

12.4. The applicant has confirmed that the design of the proposed performing arts building accords with the provisions of the Equality Act 2010.

13. CLIMATE CHANGE / BIODIVERSITY

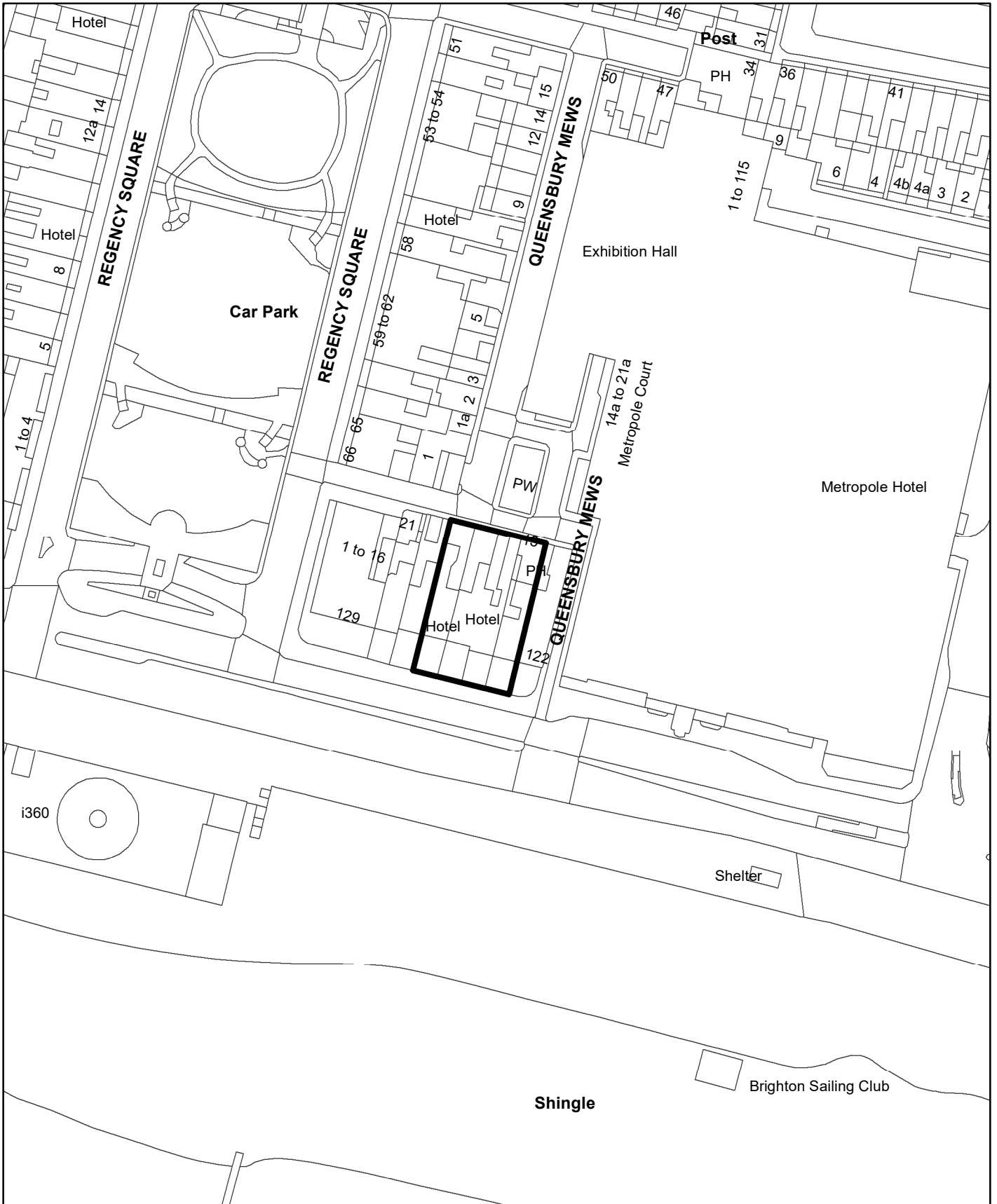
- 13.1. A condition will be attached to any planning consent securing the following biodiversity benefits as part of the proposal:
- Installation of at least two bat bricks
 - External lighting in line with Bat Conservation Trust guidelines
 - Installation of at least two bird nesting boxes
 - Native planting
- 13.2. An Ecological Design Strategy will also be secured by condition.
- 13.3. It is also proposed that the performing arts building will achieve a BREEAM 'Excellent' rating.

ITEM C

**123-126 Kings Road
BH2021/02932
Full Planning**

DATE OF COMMITTEE: 1st December 2021

BH2021 02932 - 123-126 Kings Road



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|---------------------|
| <u>No:</u> | BH2021/02932 | <u>Ward:</u> | Regency Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 123 - 126 Kings Road Brighton BN1 2FA | | |
| <u>Proposal:</u> | Amalgamation of two hotels, incorporating erection of mansard plant enclosure on roof incorporating lift overrun, replacement of mansard extension with fourth floor extension, two storey rear extension providing new spa, plant enclosures to rear, new bar and restaurant, refurbishment works and associated alterations. | | |
| <u>Officer:</u> | Sonia Gillam, tel: 292265 | <u>Valid Date:</u> | 09.08.2021 |
| <u>Con Area:</u> | Regency Square | <u>Expiry Date:</u> | 04.10.2021 |
| <u>Listed Building Grade:</u> | II | <u>EOT:</u> | |
| <u>Agent:</u> | CMK Planning 11 Jew Street Brighton BN1 1UT | | |
| <u>Applicant:</u> | Guest Leisure Ltd C/O CMK Planning 11 Jew Street Brighton BN1 1UT | | |

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 | 676_01 | A | 9 August 2021 |
| Block Plan | 676_110 | B | 9 August 2021 |
| Proposed Drawing | 676_200 | E | 9 August 2021 |
| Proposed Drawing | 676_201 | D | 9 August 2021 |
| Proposed Drawing | 676_203 | F | 13 October 2021 |
| Proposed Drawing | 676_099 | I | 9 August 2021 |
| Proposed Drawing | 676_100 | J | 13 October 2021 |
| Proposed Drawing | 676_101 | I | 9 August 2021 |
| Proposed Drawing | 676_102 | I | 9 August 2021 |
| Proposed Drawing | 676_103 | I | 9 August 2021 |
| Proposed Drawing | 676_104 | J | 13 October 2021 |
| Proposed Drawing | 676_105 | I | 9 August 2021 |
| Proposed Drawing | 676_300 | D | 9 August 2021 |
| Proposed Drawing | 676_302 | D | 9 August 2021 |
| Proposed Drawing | 676_303 | E | 9 August 2021 |
| Proposed Drawing | 676_304 | F | 13 October 2021 |
| Proposed Drawing | 676_306 | E | 13 October 2021 |

| | | | |
|------------------|-----------------------------|---|-----------------|
| Proposed Drawing | 676_308 | F | 13 October 2021 |
| Proposed Drawing | 676_DM01 | E | 9 August 2021 |
| Proposed Drawing | 676_DM02 | E | 9 August 2021 |
| Proposed Drawing | 676_DM03 | E | 9 August 2021 |
| Proposed Drawing | 676_DM04 | E | 9 August 2021 |
| Proposed Drawing | 676_DM05 | E | 9 August 2021 |
| Proposed Drawing | 676_DM06 | E | 9 August 2021 |
| Proposed Drawing | 676_DM07 | E | 9 August 2021 |
| Proposed Drawing | 676_DM08 | E | 9 August 2021 |
| Proposed Drawing | 676_DM09 | E | 9 August 2021 |
| Report/Statement | Design and Access Statement | | 5 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. No customers shall remain on the spa premises outside the hours of 09.30 to 20:00 Monday to Sundays, including Bank or Public Holidays. No activity within the site shall take place between the hours of 07.00 and 22.00 daily.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. All new and replacement rainwater goods shall be in cast iron and shall be painted to match the colour of the renderwork background walls and retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1, HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
5. The development hereby permitted shall not be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
 - a) samples/details of brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples/details of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
Development shall be carried out in strict accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14, HE1, HE6 of the Brighton & Hove Local Plan and CP12, CP15 of the Brighton & Hove City Plan Part One.
6. No works shall take place to the windows until full details of all new sash window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and

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

Reason: In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies QD14, HE6 of the Brighton & Hove Local Plan and CP12, CP15 of the Brighton & Hove City Plan Part One.

7. No development 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 complaints from 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
 - viii. An audit of all waste generated during construction works

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 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

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

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

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

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

10. No development of any boundary treatment shall take place until full details of the proposed boundary walls and railings to Kings Road including 1:20 scale elevational and sectional drawings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

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

11. No works shall take place to the new shop front at number 123 Kings Road until full details of the shop front to number including 1:20 scale elevational and sectional drawings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

Reason: In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies QD14, HE6 of the Brighton & Hove Local Plan and CP12, CP15 of the Brighton & Hove City Plan Part One.

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

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

13. The development hereby permitted shall not first be occupied until details of the external lighting scheme have been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles

and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

15. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed within the site and made available for use. These facilities shall thereafter be retained for use at all times.

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

16. The development hereby permitted shall not be first occupied until the sustainability measures outlined in the Design and Access Statement received on the 5 August 2021 have been implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

17. No works shall take place until details of a bee brick to be incorporated within an external wall of the development have been submitted to and approved in writing by the Local Planning Authority. The bee brick shall not be proposed to any part of the listed buildings. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such 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. As per the submitted Transport Statement, guests should be informed that there is no car parking provision on-site, along with no blue badge parking arrangements. Guests would also need to be informed of the cycle parking arrangements, as well as the Drop-off and Collection of luggage within the servicing area on-site; to be accessed via Queensbury Mews
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 & APPLICATION DESCRIPTION

- 2.1. The properties form part of a Regency period terrace of townhouses between Regency Square and Queensberry Mews. The site lies within the Regency Square Conservation Area. The premises are currently vacant, however previously formed the Cecil (125-126) and Granville (123-124) hotels.
- 2.2. Nos.125-126 Kings Road are grade II listed buildings of c1825, with 5 storeys over basement. Both have undergone alteration and some upward extension and both have been much altered internally. However, the historic plan form remains generally readable.
- 2.3. Nos. 123-124 were originally very similar in appearance however had their segmental bow frontages removed in favour of canted bays in the late 19th century, when the basement to 123 was altered to form a shop front. No. 124 was also extended upwards in the late 19th century.
- 2.4. The rear of this terrace is visible from Queensberry Mews and has undergone much incremental alteration and extension in a somewhat haphazard manner. Sections of historic flint walling remain. At the southern end of Queensbury Mews there is a small redbrick French Protestant Church built in 1887, now a locally listed heritage asset. The Metropole Hotel to the east of the site is also a locally listed heritage asset.

3. RELEVANT HISTORY

123-126 Kings Road:

- 3.1. **BH2021/02909** LB Alterations to facilitate the amalgamation of two hotels including erection of two storey rear extension to form spa and first floor rear extension to form plant enclosure, new hard landscaping, boundary walls & railings to front elevation, internal alterations to layout and associated reinstatement & restoration works. Under consideration.
- 3.2. **PRE2021/00071** Amalgamation, refurbishment, alterations and extensions to the former Granville and Cecil Hotels. Pre-application advice given.
- 3.3. **BH2004/01664/LB** Formation of opening between 125 & 126 together with replacement of window on first floor front elevation of 126 (Cecil House Hotel). Approved 14.07.2004
- 3.4. **BH2004/01637/FP** Replacement window on first floor front elevation. Approved 14.07.2004

Hotel Cecil 126 Kings Road

- 3.5. **BH2012/01958** Removal of existing infill structure to yard. Erection of single storey rear extension and replacement of existing roof coverings and rainwater goods. Approved 03.09.2012
- 3.6. **BH2012/01957** Removal of existing infill structure to yard. Erection of single storey rear extension and replacement of existing roof coverings and rainwater goods. Approved 03.09.2012

- 3.7. **BH2002/00330/LB** Internal alterations to form en-suite shower rooms. Approved 22.03.2002

Granville Hotel 123 -125 Kings Road

- 3.8. **BH2005/02127/LB** Removal of existing partition walls and doors on first floor; insert en-suite bathroom facilities to two bedrooms. Approved 14.10.2005.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission for alterations to facilitate the amalgamation of the two hotels. The Planning Statement sets out that the amalgamated hotel would provide a high-end boutique offer with thirty-three bedrooms and including a new spa. The spa would be operated by seven employees, and the hotel is expected to employ seventeen staff. Works would include:

- Additional storey to no. 123;
- Mansard plant enclosure to roof of no. 124 to include lift overturn;
- Extension to rear projection and 3rd/4th floor extension to rear bay of No.124;
- Erection of a two-storey rear extension to form spa to rear of nos. 125 and 126;
- New plant enclosures behind nos. 123 and 126;
- New hard landscaping, boundary walls and railings to the front elevation;
- Contemporary shopfront to no. 123;
- New bar / restaurant entrance and hard landscaping to lower ground floor;
- Replacement of modern casement windows to rear with traditional sash windows in existing openings.

- 4.2. Following comments from the Council's Heritage Officer, minor amendments have been received during the life of the application to improve the articulation of the first-floor spa elevations by the introduction of a horizontal band of glazing above the flint facing, plus the introduction of nibs of flint wall within the 'winter garden' to mitigate the loss of the original boundary wall between 125 and 126.

- 4.3. The works are part of a wider scheme which includes internal alterations to the hotels. These internal works to 125 and 126 are being assessed under the concurrent Listed Building Consent Application ref: BH2021/02909.

5. REPRESENTATIONS

- 5.1. **Thirteen (13)** representations received objecting to the proposal. The main grounds for objection are as follows:

- Impact on conservation area/ listed buildings
- Loss of original features and historic character
- Harm to irregular roof heights
- Design/ visual impact/ lack of architectural merit
- Overdevelopment/ out of scale

- Inappropriate height
 - Quality/ accuracy of submission documents
 - No refuse/ recycling facilities
 - Additional traffic/ highway safety/ parking issues
 - Restriction times on deliveries and waste collection
 - Noise and disruption
 - Overshadowing/ loss of light
- 5.2. Objections relating to restriction of view are noted, however this is not material planning consideration.

6. CONSULTATIONS

External

- 6.1. **Conservation Advisory Group (CAG): Objection** The restoration to the frontage is welcome. However, object on the following basis:
- Harm to the varied and irregular building heights and roof lines;
 - Spa building out of character with the area;
 - Loss of light and overshadowing;
 - Noise;
 - Highways safety;
 - Loss of courtyard;
 - Adverse impact on church;
 - Detrimental change to the character of the Conservation Area;
 - Drawings not accurate.

Internal

- 6.2. **Heritage: No objection** There would be some harm to the two listed buildings through loss of some historic fabric but also some heritage benefits through restoring the character and status of the ground floor rooms and more generally through repairing the fabric and features of the buildings. Overall, there are a number of positive elements to these complex, multi-layered proposals that taken together would clearly enhance the appearance and character of the Regency Square conservation area and would preserve or modestly enhance the settings of the two listed buildings whilst causing no harm to the settings of the two locally listed buildings. It is considered that the net heritage balance would be positive
- 6.3. **Environmental Health: -** No comments received
- 6.4. **Planning Policy: No objection** The amalgamation and extension proposed to provide an improved offer is considered to be in accordance with planning policy.
- 6.5. **Sussex Police: No objection** No major concerns with the proposals at this location.
- 6.6. **Sustainable Transport: No objection** the changes proposed would be acceptable in highway terms.

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 |
| SA1 | The Seafront |
| SA2 | Central Brighton |
| CP5 | Culture and tourism |
| CP6 | Visitor accommodation |
| CP8 | Sustainable Buildings |
| CP9 | Sustainable transport |
| CP12 | Urban design |
| CP13 | Public streets and spaces |
| CP15 | Heritage |

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

| | |
|------|--|
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU9 | Pollution and nuisance control |
| SU10 | Noise Nuisance |
| QD5 | Design - street frontages |
| QD14 | Extensions and alterations |
| QD15 | Landscape design |
| QD27 | Protection of amenity |
| HE1 | Listed buildings |
| HE3 | Development affecting the setting of a listed building |

| | |
|------|---|
| HE6 | Development within or affecting the setting of conservation areas |
| HE10 | Buildings of local interest |

Brighton & Hove City Plan Part 2

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

| | |
|------|---|
| DM17 | Opportunity Areas for new hotels and safeguarding conference facilities |
| DM20 | Protection of Amenity |
| DM26 | Conservation Areas |
| DM27 | Listed Buildings |
| DM29 | The Setting of Heritage Assets |
| DM33 | Safe, Sustainable and Active Travel |
| DM40 | Protection of the Environment and Health - Pollution and Nuisance |

Supplementary Planning Documents:

| | |
|-------|---------------------------------|
| SPD03 | Construction & Demolition Waste |
| SPD09 | Architectural Features |
| SPD12 | Extensions and Alterations |
| SPD14 | Parking Standards |
| SPD17 | Urban Design Framework |

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the principle of the development, impact on the listed buildings and the Regency Square conservation area, neighbour amenity and highways implications.

Planning Policy:

9.2. The City Plan Part 1 recognises the strategic need for a range of hotels and conference facilities across Brighton and Hove. CPP1 Policy CP5 Culture and Tourism supports the retention, upgrading and enhancement of existing visitor facilities to meet changing consumer demands and high environmental standards in terms of design, management and access. Background evidence documents suggest a strong need for new visitor accommodation in the city.

9.3. The site is within the Hotel Core Zone defined by Policy CP6 'Visitor Accommodation' where new hotel development is directed and loss is resisted. Although policy CP6 does not address the amalgamation of hotels as such, policy CP6.4 supports extensions to existing hotels where required to upgrade existing accommodation to meet changing consumer demands. Paragraph 4.69 supports the addition of appropriate facilities, such as spas.

- 9.4. Although limited weight can be attached to Proposed Submission City Plan Part Two Policy DM17, it shows the direction of travel. The policy identifies suitable opportunity search areas for new hotels, including the DA1 area, to which the site is in close proximity.
- 9.5. The hotel would have thirty-three bedrooms in total. Although the proposal would not provide a new hotel as such and results in a net loss of three bedrooms, it is noted that it would provide an improved offer such as spa facilities, wholly double bedroom facilities, as well as interconnecting rooms suitable for families and two wheelchair accessible units. This provision would help to attract new markets to the city and contribute towards strengthening the city in terms of its leisure destination, as well as meet changing consumer demands.
- 9.6. The proposal accords with policies CP5 and CP6 of the City Plan Part One and also DM17 above of the the CPP2, although it is acknowledged that this policy has limited weight as yet. Therefore the development is acceptable in principle and is supported by the Council's Planning Policy Officer.

Design and Appearance:

- 9.7. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.8. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".

Works to 123-124 (additional storey, plant room etc)

- 9.9. Given the past alterations to the roofs, the additional storey to no. 123 is considered to be acceptable, in terms of its townscape impact to both the front and rear elevations. The introduction of recessed blind windows with projecting cills, aligned with the windows below, would help to articulate this additional storey when seen from Queensberry Mews. The proposed mansard addition to the rear of the flat roof would result in a neater, and lower, solution than the existing lift over-run structure, which is highly intrusive on the skyline at present; this would be a clear benefit of the scheme.
- 9.10. The low-level plant room to the rear of no.123 would not impact on public views and would not significantly change the established development pattern or urban grain. The reinstatement of timber sash windows to the rear of no. 124, in place of the UPVC windows, would be a clear enhancement.
- 9.11. The creation of a plantroom beneath the ground floor terrace at the front of no.124 would be visually discreet and would not impact on the public

appearance of the area. The new contemporary 'shop front' to the basement of no. 123 is acceptable.

- 9.12. Overall, subject to details by condition, these works would enhance the appearance and character of the conservation area and would preserve the setting of the listed buildings in accordance with plan policies.

The Kings Road front area

- 9.13. The reinstatement of a coherent frontage to 124-126 with rendered walls/pillars with dwarf railings is appropriate and would represent a welcome enhancement to the conservation area and to the setting of the listed buildings.

Proposed Spa Building

- 9.14. The two-storey proposed spa building located at the rear of listed buildings nos. 125 and 126 would be a significant structure in the original rear yard areas of the two listed buildings and the footprint would involve the loss of some historic fabric to the rear of the buildings and, most notably and harmfully, the original rear boundary wall between 125 and 126. However, it is proposed to recreate some nibs of flint wall within the 'winter garden' to echo the original boundary.
- 9.15. The building and secondary hotel entrance however does have some potential to improve the appearance of, and enliven, this rather compromised and incoherent stretch of road and to mask some unattractive built elements. It would provide a more fitting 'end stop' to the view southwards on Queensberry Mews.
- 9.16. A simple contemporary design is considered appropriate to distinguish the spa building from the historic buildings. The massing of the building has been broken down to better reflect the original plot width and the verticality of the rear elevations. The proposed use of flint for the ground floor elevation, to reflect the surviving sections of flint wall, is considered to be entirely appropriate and would be an improvement over the current haphazard ground floor level appearance.
- 9.17. The quality, texture and detailing of the terracotta hued cladding materials are crucial to a successful scheme. Details of materials can be secured by condition. It is also important to consider how lighting can contribute to making this section of Queensberry Mews, and the spa building itself, more hospitable. The proposed perforated metal mesh would appear to allow internal lighting to penetrate through to the outside after dark. However, it is recommended that a lighting strategy is secured by condition.

Heritage Summary

- 9.18. Overall, there are a number of positive elements to the proposals that taken together would clearly enhance the appearance and character of the Regency Square conservation area and would preserve or modestly enhance the settings of the two listed buildings whilst causing no harm to the settings of the two locally listed buildings.
- 9.19. There would be some harm to the two listed buildings through loss of some historic fabric however there would also be some heritage benefits through restoring the character and status of the ground floor rooms and more generally

through repairing the fabric and features of the buildings. Subject to the recommended conditions it is considered that the net heritage balance would be positive. The City Council's Heritage Officer has no objection to the scheme.

- 9.20. It is noted that CAG has some objections, particularly with regard to the harm caused to the varied and irregular building heights and roof lines, the proposed spa building and the loss of the courtyard, and the impact on the nearby church. The concerns are acknowledged, however for the reasons outlined above the overall benefit of the scheme is considered to outweigh the proposed loss of some historic fabric.

Impact on Amenity:

- 9.21. 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.
- 9.22. The use of the site as an amalgamated hotel, rather than two single hotels is not considered to give rise to any amenity concerns.
- 9.23. However, a new entrance would be created to the rear of the site in Queensbury Mews which hotel and spa guests can access. Queensbury Mews has six mews houses at its northern end, together with some converted service buildings now forming a few dwellings to the southern end. There is a pub, the Queensbury Arms, directly to the east of the site, and a church opposite.
- 9.24. The new entrance would inevitably lead to increased activity within Queensbury Mews. However, the hotel would not be large (33 bedrooms); the spa would operate reasonable hours (09:30 - 20:00) and could accommodate a maximum of only 6 guests per hour. Additionally, a proportion of the spa guests are likely to be staying at the hotel. Most of the spa staff (7) would arrive during the morning peak, however, are likely to depart at different points during the working day.
- 9.25. Hotel guests could use this access at any point during the day and it also has direct access to the cycle store. This potential additional activity on Queensbury Mews is acknowledged however, given the size of the hotel, it is not considered to be so harmful so as to warrant refusal of the application on this basis. Delivery arrangements remain similar to those under the previous hotels, however with an on-site loading bay proposed which would be a benefit. The inconvenience caused from refuse vehicles obstructing traffic flows is noted, however this is likely to be relatively infrequent and not an unusual situation for streets within the city. Delivery and Services arrangement can be secured by condition.
- 9.26. Given the above it is considered that the level of activity and noise envisaged would not be inconsistent with a city centre location or have a significantly harmful impact on the living conditions for local residents. Indeed, the new spa, with an appropriate lighting scheme, has the potential to improve the

appearance of and enliven this section of the street, making it appear more hospitable. This would be of benefit to local residents and those frequenting the hotel, pub and church.

- 9.27. Hours of use of the spa can be secured by condition. Sussex Police refer to stipulating hours of use for the restaurant/ bar, however it is considered that the hotel of this nature within this lively area can manage its own hours of operation, within the boundaries of its licensing arrangements. The restaurant is unlikely to operate late hours, and the bar is likely used by hotel guests later on in the evening.
- 9.28. It is noted that a flue and various plant equipment is proposed at the site. However the equipment would be enclosed and it is considered that any noise produced would be heard in context with the use of the site as a hotel and the general activity that would encompass. In any case, the plant would be set a sufficient distance from residential properties so as to not cause harmful noise/ disturbance.
- 9.29. Neighbour objections are noted regarding potential shadow from the two-story spa building. A sunlight analysis has been submitted with the application. This clearly demonstrates that, due to the orientation and height of the existing buildings, the sun's path, and the fact that the proposals are to the north, there would only be a minor increase in overshadowing over the existing situation. Overshadowing would be marginal and only at certain times of the year, and for a limited time. There would be no harmful impact on habitable rooms or neighbour amenity to such an extent to warrant refusal of the application. Objections are also raised to the impact on sunlight from the raised main roof of the existing building. Again, due to the existing buildings the impact would be minimal, and then only for a short period of time each day.

Sustainable Transport:

Trip generation

- 9.30. Based on the reduction in the number of rooms at the hotel (33 rather than 36) and the small scale (7 staff, 5 treatment rooms) of the proposed on-site spa facilities, it is considered that the development would not lead to a significant increase in vehicle traffic. By amalgamating the two existing hotels, the number of delivery and servicing trips would be consolidated and potentially reduced.
- 9.31. Given the central location of the site, access to public transport (Brighton Station and bus stops are walking distance to the site), that no car parking is proposed and that there are a range of public parking options available locally, it is not envisaged that the proposals would result in a severe impact on the local road network. Any changes based on the overall development are therefore expected to be minimum.

Site Access

- 9.32. The main pedestrian access into the hotel would continue to be from Kings Road, where the existing entrances are located. A new entrance would also be created at the rear of the hotel from Queensbury Mews, which would be available

for hotel and spa guests, including cyclists as on-site cycle parking would be available.

- 9.33. There is not considered to be an appropriate vehicle drop off location within the vicinity along Kings Road. Therefore, luggage drop-off / collection would be possible via the new arrangement and loading bay to the rear of the site, which is considered to be an improvement. The existing taxi rank along Kings Road is also located within walking distance and is considered appropriate for use by patrons of the proposed hotel and spa.
- 9.34. Delivery and servicing vehicles would access the site via Queensbury Mews; this is not materially different to the previous arrangements. A loading area is proposed within the site which is considered suitable for light vehicles such as vans; this would help to ensure footways are not obstructed. This would be of benefit and an improvement over the current servicing arrangements.
- 9.35. It is anticipated that refuse collection vehicles would wait on Queensbury Mews and service the site from there. This would be undertaken by a private contractor with, presumably, appropriately sized vehicles. It is acknowledged that there is the potential for a refuse vehicle to obstruct traffic flows for a short time whilst in the street, however this should be relatively infrequent.
- 9.36. Notwithstanding the above, it is considered appropriate that a delivery and service management plan should be secured by condition, outlining type and frequency of the deliveries.

Car Parking

- 9.37. The development does not propose provision of any car parking on-site, which is consistent with the existing situation for the two hotels. It is proposed that guests and non-hotel resident users of spa would be informed of the parking arrangements prior to their visit, including the availability of disabled parking provision at the Regency Square car park. This is considered acceptable.

Cycle Parking

- 9.38. Based on the requirements set out in SPD14, the development is required to provide 4 long stay spaces for patrons as well as an additional 5 long stay spaces for staff and 2 short stay spaces. The development would provide 9 cycle parking spaces within the delivery store at the rear of the hotel in the form of vertical hanging racks. Additionally, a further 6 cycle parking spaces are proposed in the form of Sheffield stands sited in the courtyard area at the rear of the hotel, to accommodate short stay parking or any cargo / enlarged bikes. Furthermore, a Brompton folding bike would be available on-site for use by patrons. This level of provision exceeds the minimum cycle parking provision required under SPD14 and is therefore acceptable.
- 9.39. The Council's Highways Officer has no objections to the scheme.

Sustainability:

- 9.40. Policy CP8 states that all new development incorporate sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions, and mitigate against and adapt to climate change.
- 9.41. Sustainability measures outlined in the submission documents for refurbishment to the existing buildings (including listed buildings) include low energy lighting, low energy and water use appliances to minimise water consumption, locally sourced building materials to minimise carbon footprint.
- 9.42. Measures for the new build spa extension would include the above, plus passive measures for energy reduction, high performance solar controlled glazing, high performance insulation, green roof to bring biodiversity. As the scheme is not a stand-alone 'new build' commercial development, BREEAM standards would not be required in this instance. However it is considered that the proposed sustainability measures set out in the Design and Access Statement are a benefit that weight in favour of the proposal and as such should be secured by condition.

10. EQUALITIES

- 10.1. Inclusive design measures include:
- Two accessible rooms at ground floor;
 - New accessible toilets;
 - Level access to the hotel and spa from Queensbury Mews;
 - Passenger lift extended to all floors, including lower ground floor bar and restaurant;
 - Corridor widths to accommodate wheelchair users.
- 10.2. There is no on-site vehicle parking proposed, as per the existing situation, and therefore no disabled car parking spaces on site. The submitted Transport Statement sets out that disabled parking provision is available within the Regency Square car park, approximately 230m from the site. In addition to this, during pick up and drop off, blue badge holders could park on yellow lines on the surrounding roads for a short duration if required. A taxi rank is located adjacent to the Metropole Hotel, approximately 30m walking distance from the site.

11. CLIMATE CHANGE/BIODIVERSITY

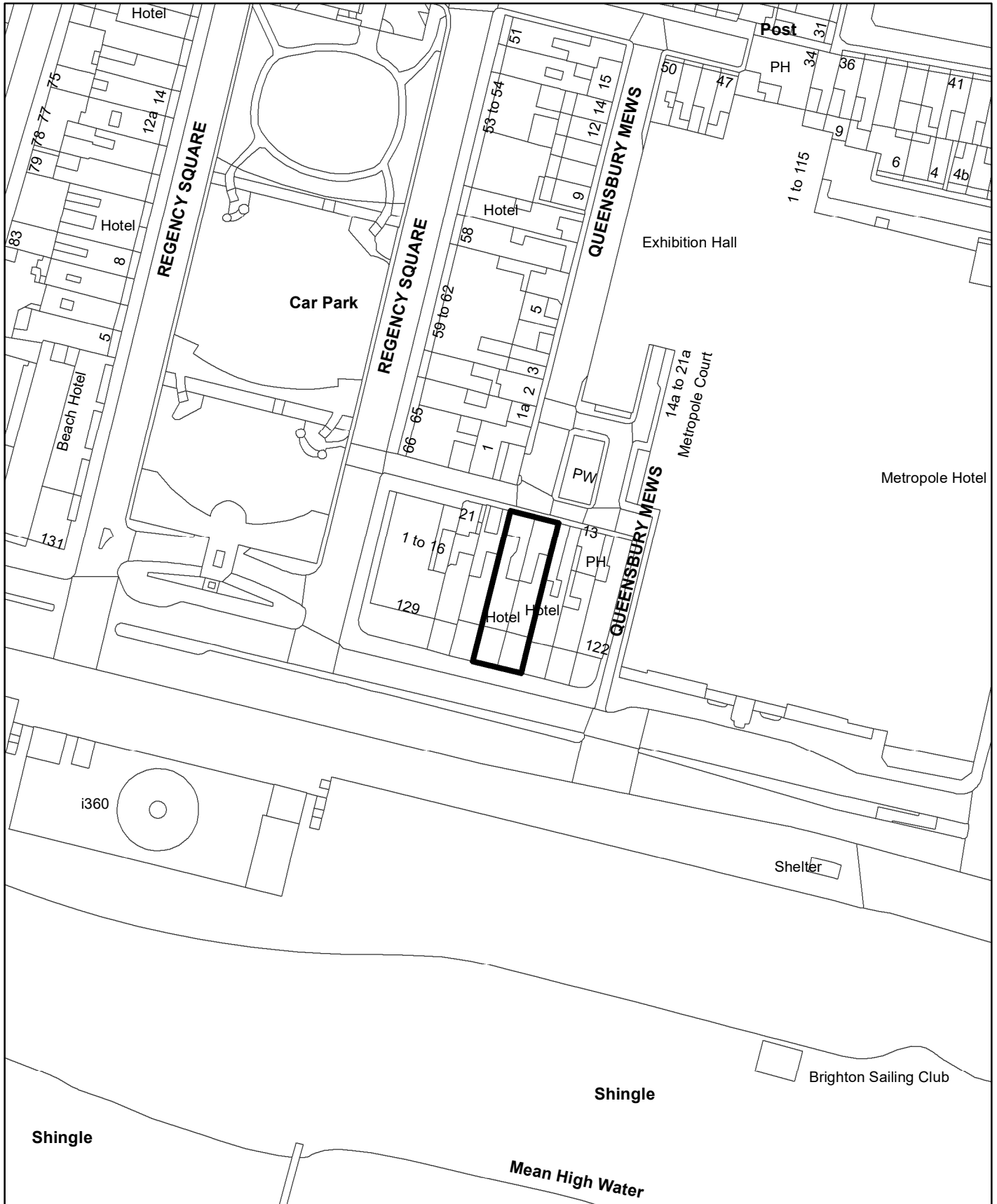
- 11.1. The site, being within the city centre, has good links to all facilities including shops, and is well served by public transport, reducing reliance on cars. The works would modernise and refurbish the existing buildings, bringing them back into use.

ITEM D

**123-126 Kings Road
BH2021/02909
Listed Building Consent**

DATE OF COMMITTEE: 1st December 2021

BH2021 02909 - 125-126 Kings Road



N



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|---------------------|
| <u>No:</u> | BH2021/02909 | <u>Ward:</u> | Regency Ward |
| <u>App Type:</u> | Listed Building Consent | | |
| <u>Address:</u> | 125 - 126 Kings Road Brighton BN1 2FA | | |
| <u>Proposal:</u> | Alterations to facilitate the amalgamation of two hotels including erection of two storey rear extension to form spa and first floor rear extension to form plant enclosure, new hard landscaping, boundary walls & railings to front elevation, internal alterations to layout and associated reinstatement & restoration works. | | |
| <u>Officer:</u> | Sonia Gillam, tel: 292265 | <u>Valid Date:</u> | 01.09.2021 |
| <u>Con Area:</u> | Regency Square | <u>Expiry Date:</u> | 27.10.2021 |
| <u>Listed Building Grade:</u> | II | | |
| <u>Agent:</u> | CMK Planning 11 Jew Street Brighton BN1 1UT | | |
| <u>Applicant:</u> | Guest Leisure Ltd C/o CMK Planning 11 Jew Street Brighton BN1 1UT | | |

1. RECOMMENDATION

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

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

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

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

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

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

4. The internal works hereby permitted shall not take place until full details of the proposed new staircase to number 125 Kings Road and new internal doors to 125 and 126 Kings Roads including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

5. All internal masonry walls with exposed brickwork or bungaroosh shall be re-plastered in a smooth lime-based plaster.

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

6. The proposed external colour-scheme to the render, joinery and architectural metalwork must match the existing unless otherwise agreed in writing by the Local Planning Authority.

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

7. All new and replacement rainwater goods shall be in cast iron and shall be painted to match the colour of the renderwork background walls and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

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

9. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

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

Informatives:

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

| Plan Type | Reference | Version | Date Received |
|------------------|------------------|----------------|----------------------|
| Location Plan | 676_01 | B | 6 August 2021 |
| Location Plan | 676_01 | C | 1 September 2021 |
| Block Plan | 676_111 | A | 1 September 2021 |
| Proposed Drawing | 676_DM01 | F | 6 August 2021 |
| Proposed Drawing | 676_DM02 | F | 6 August 2021 |
| Proposed Drawing | 676_DM03 | F | 6 August 2021 |
| Proposed Drawing | 676_DM04 | F | 6 August 2021 |
| Proposed Drawing | 676_DM05 | F | 6 August 2021 |
| Proposed Drawing | 676_DM06 | F | 6 August 2021 |
| Proposed Drawing | 676_DM07 | F | 6 August 2021 |
| Proposed Drawing | 676_DM08 | F | 6 August 2021 |
| Proposed Drawing | 676_DM09 | G | 6 August 2021 |
| Proposed Drawing | 676_200 | F | 6 August 2021 |
| Proposed Drawing | 676_201 | F | 6 August 2021 |
| Proposed Drawing | 676_203 | F | 13 October 2021 |
| Proposed Drawing | 676_099 | J | 6 August 2021 |
| Proposed Drawing | 676_100 | J | 13 October 2021 |
| Proposed Drawing | 676_101 | J | 6 August 2021 |
| Proposed Drawing | 676_102 | J | 6 August 2021 |
| Proposed Drawing | 676_103 | J | 6 August 2021 |
| Proposed Drawing | 676_104 | J | 13 October 2021 |
| Proposed Drawing | 676_105 | J | 6 August 2021 |
| Proposed Drawing | 676_300 | E | 6 August 2021 |
| Proposed Drawing | 676_302 | F | 6 August 2021 |
| Proposed Drawing | 676_303 | F | 6 August 2021 |
| Proposed Drawing | 676_304 | F | 13 October 2021 |
| Proposed Drawing | 676_306 | F | 13 October 2021 |
| Proposed Drawing | 676_308 | F | 13 October 2021 |

2. SITE LOCATION

- 2.1. The application refers to Nos.125-126 Kings Road which are grade II listed buildings. The buildings are of c1825 with 5 storeys over basement. Both have undergone alteration and some upward extension and both have been much altered internally. However, the historic plan form remains generally readable. The site is currently vacant, however previously formed the Cecil Hotel.
- 2.2. The site lies within the Regency Square conservation area and these properties form part of a Regency period terrace of townhouses between Regency Square and Queensberry Mews.
- 2.3. The rear of this terrace is visible from Queensberry Mews and has undergone much incremental alteration and extension in a somewhat haphazard manner. Sections of historic flint walling remain. At the southern end of Queensbury Mews there is a small redbrick French Protestant Church built in 1887, now a

locally listed heritage asset. The Metropole Hotel to the east of the site is also a locally listed heritage asset.

3. RELEVANT HISTORY

123-126 Kings Road:

- 3.1. **BH2021/02932** Amalgamation of two hotels, incorporating erection of mansard plant enclosure on roof incorporating lift overrun, replacement of mansard extension with fourth floor extension, two storey rear extension providing new spa, plant enclosures to rear, new bar and restaurant, refurbishment works and associated alterations. Under consideration.
- 3.2. **PRE2021/00071** Amalgamation, refurbishment, alterations and extensions to the former Granville and Cecil Hotels. Pre-application advice given.
- 3.3. **BH2004/01664/LB** Formation of opening between 125 & 126 together with replacement of window on first floor front elevation of 126 (Cecil House Hotel). Approved 14.07.2004
- 3.4. **BH2004/01637/FP** Replacement window on first floor front elevation. Approved 14.07.2004

Hotel Cecil 126 Kings Road

- 3.5. **BH2012/01958** Removal of existing infill structure to yard. Erection of single storey rear extension and replacement of existing roof coverings and rainwater goods. Approved 03.09.2012
- 3.6. **BH2012/01957** Removal of existing infill structure to yard. Erection of single storey rear extension and replacement of existing roof coverings and rainwater goods. Approved 03.09.2012
- 3.7. **BH2002/00330/LB** Internal alterations to form en-suite shower rooms. Approved 22.03.2002

Granville Hotel 123 -125 Kings Road

- 3.8. **BH2005/02127/LB** Removal of existing partition walls and doors on first floor; insert en-suite bathroom facilities to two bedrooms. Approved 14.10.2005.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks listed building consent for alterations to facilitate the amalgamation of two hotels including the following works:
 - Erection of a two-storey rear extension to form a spa;
 - New hard landscaping, boundary walls and railings to the front elevation;
 - New plant enclosure and winter garden to rear;
 - Internal alterations to the layout including lowering basement floor, introduction of corridor, blocking up of opening, new en-suite facilities, new staircase.

- 4.2. Following comments from the Council's Heritage Officer, minor amendments have been received during the lifetime of the application to improve the articulation of the first-floor spa elevations by the introduction of a horizontal band of glazing above the flint facing, plus the introduction of nibs of flint wall within the 'winter garden' to mitigate the loss of the original boundary wall between 125 and 126.
- 4.3. The works are part of a wider scheme which comprises the former Cecil House Hotel (No.126) and Granville Hotel (Nos.123-125). Nos. 123 and 124 are not listed. These wider works are being assessed under the concurrent Full Planning Application ref: BH2021/02932.

5. REPRESENTATIONS

- 5.1. **Three (3)** representations received objecting to the proposal for the following reasons:
- Development would occupy almost entire courtyard
 - LPA previously granted smaller building in 2012
 - Quality/ accuracy of submission documents
 - Design/ lack of architectural merit in proposal
 - Visual Impact
- 5.2. Objections relating to highway safety and traffic issues are noted, however are not material considerations in relation to a listed building consent application.

6. CONSULTATIONS

- 6.1. **Conservation Advisory Group (CAG): Objection**
The restoration to the frontage is welcome. However, object on the following basis:
- Harm to the varied and irregular building heights and roof lines;
 - Spa building out of character with the area;
 - Loss of light and overshadowing;
 - Noise;
 - Highways safety;
 - Loss of courtyard;
 - Adverse impact on church
 - Detrimental change to the character of the Conservation Area;
 - Drawings not accurate.
- 6.2. **Heritage: No objection**
There would some harm to the two listed buildings through loss of some historic fabric but also some heritage benefits through restoring the character and status of the ground floor rooms and more generally through repairing the fabric and features of the buildings. Overall, there are a number of positive elements to these complex, multi-layered proposals that taken together would clearly

enhance the appearance and character of the Regency Square conservation area and would preserve or modestly enhance the settings of the two listed buildings whilst causing no harm to the settings of the two locally listed buildings. It is considered that the net heritage balance would be positive

6.3. **Historic England:** No Comment

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 |
| CP15 | Heritage |

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

| | |
|-----|---|
| HE1 | Listed Building Consent |
| HE4 | Reinstatement of original features on Listed Buildings |
| HE6 | Development within or affecting the setting of conservation areas |

Brighton & Hove City Plan Part 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

| | |
|------|--------------------------------|
| DM26 | Conservation Areas |
| DM27 | Listed Buildings |
| DM29 | The Setting of Heritage Assets |

Supplementary Planning Guidance:
SPGBH11 Listed Building Interiors

Supplementary Planning Documents:
SPD09 Architectural Features
SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".

Works to the Listed Buildings Interiors

- 9.2. The significance of the interiors now largely resides at ground and part first floor levels, the original principal floors and where the majority of historic architectural features such as fireplaces, ornate plasterwork and joinery survive. Therefore, the proposal to lower the basement floor at number 125 is not considered to be a harmful alteration in principle given the degree of past change at this level.
- 9.3. The proposed floor plans involve the removal of later partitions which divide the front rooms in a north-south direction in 126, however instead propose the introduction of an east-west corridor and a reduction in the depth of the front rooms, together with more intensive en-suite facilities at first floor level.
- 9.4. The proposals would appropriately concentrate on retaining and enhancing the significance of these floors, especially at ground floor level where the communal areas and facilities would enable them to be more widely appreciated. The proposed en-suite facilities would not be full height, so that the proportions of these rooms and the design of the ceiling cornices could be better appreciated.
- 9.5. The reorientation of the upper level staircase to number 125 has been justified based upon the historic 1894 plan included in the addendum to the Heritage Statement. This shows that the current stair dates from the 1894 alterations when an additional full storey was added and the floor level raised. The previous stair arrangement is not known, however it would not have been an extension of the main stair as now proposed. Although the proposed new stair would result in the loss of some historic fabric, the original arrangement has been much compromised, therefore the significance of this stair is low. The new stair balustrade should be simple and be distinguishable from the original stair below to avoid creating an impression that it is historic; details are recommended by condition.

Proposed Spa Building

- 9.6. The two-storey proposed spa building would be a significant structure in the original rear yard areas of the two listed buildings and the footprint would involve the loss of some historic fabric to the rear of the buildings and, most notably and harmfully, the original rear boundary wall between 125 and 126. However, it is proposed to recreate some nibs of flint wall within the 'winter garden' to echo the original boundary.
- 9.7. The building and secondary hotel entrance however does have some potential to improve the appearance of, and enliven, this rather compromised and incoherent stretch of road and to mask some unattractive built elements. It would provide a more fitting 'end stop' to the view southwards on Queensberry Mews.
- 9.8. A simple contemporary design is considered appropriate to distinguish the spa building from the historic buildings. The massing of the building has been broken down to better reflect the original plot width and the verticality of the rear elevations. The proposed use of flint for the ground floor elevation, to reflect the surviving sections of flint wall, is considered to be entirely appropriate and would be an improvement over the current haphazard ground floor level appearance.
- 9.9. The quality, texture and detailing of the terracotta hued cladding materials are crucial to a successful scheme. Details of materials can be secured by condition.

The Kings Road front area

- 9.10. The reinstatement of a coherent frontage to 124-126 with rendered walls/pillars with dwarf railings is appropriate and would represent a welcome enhancement to the conservation area and to the setting of the listed buildings.

10. CONCLUSION

- 10.1. It is considered that there would some harm to the historic character and appearance of two listed buildings through loss of some historic fabric, however there would also be some heritage benefits through restoring the character and status of the ground floor rooms and more generally through repairing the fabric and features of the buildings, such that the net balance would be neutral.
- 10.2. With regard to the wider scheme, overall, there are a number of positive elements to the proposals that overall would clearly enhance the historic appearance and character of the Regency Square conservation area and would preserve or modestly enhance the settings of the two listed buildings, whilst causing no harm to the settings of the two locally listed buildings.
- 10.3. Subject to the recommended conditions, it is considered that the net heritage balance would be positive and the proposed works would not harm the historic character or appearance of the Grade II listed buildings or wider conservation area, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One, and DM26, DM27

and DM29 of the City Plan Part Two which carry significant weight and are therefore a key material consideration in making a planning decision.

- 10.4. It is noted that CAG has some objections, particularly with regard to the harm caused to the varied and irregular building heights and roof lines, the proposed spa building and the loss of the courtyard, and the impact on the nearby church. The concerns are acknowledged, however for the reasons outlined above the overall benefit of the scheme is considered to outweigh the proposed loss of historic fabric. The City Council's Heritage Officer supports the scheme.

11. EQUALITIES
None identified

12. CLIMATE CHANGE/BIODIVERSITY

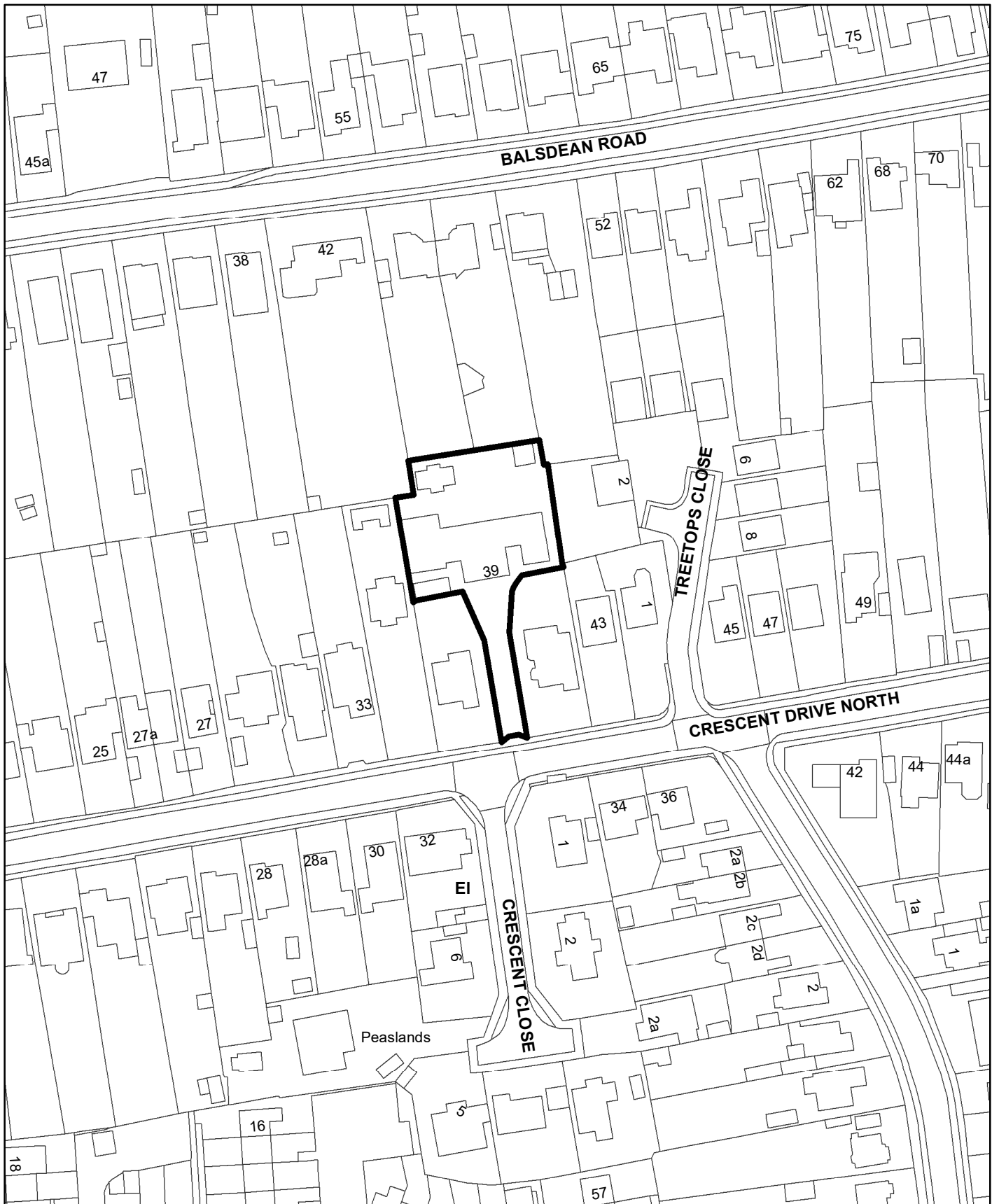
- 12.1. The site, being within the city centre, has good links to all facilities including shops, and is well served by public transport, reducing reliance on cars. The works would modernise and refurbish the existing buildings, bringing them back into use.

ITEM E

**39 Crescent Drive North
BH2021/03143
Full Planning**

DATE OF COMMITTEE: 1st December 2021

BH2021 03143 - 39 Crescent Drive North



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Scale: 1:1,250

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| <u>No:</u> | BH2021/03143 | <u>Ward:</u> | Woodingdean Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 39 Crescent Drive North Brighton BN2 6SP | | |
| <u>Proposal:</u> | Demolition of existing dwelling and outbuildings and erection of 4no. new two-storey dwellinghouses (C3) with parking, landscaping and associated works. | | |
| <u>Officer:</u> | Emily Stanbridge, tel: 293311 | <u>Valid Date:</u> | 26.08.2021 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 21.10.2021 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | |
| <u>Agent:</u> | Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD | | |
| <u>Applicant:</u> | Mr And Mrs Haskell C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD | | |

1. RECOMMENDATION

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

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|------------------|------------------|----------------|----------------------|
| Proposed Drawing | 11 | | 26 August 2021 |
| Proposed Drawing | 12A | | 3 November 2021 |
| Proposed Drawing | 13 | | 26 August 2021 |
| Proposed Drawing | 14 | | 26 August 2021 |
| Proposed Drawing | 15 | | 26 August 2021 |
| Proposed Drawing | 16 | | 26 August 2021 |
| Proposed Drawing | 17A | | 3 November 2021 |
| Location Plan | 01 | | 26 August 2021 |
| Block Plan | 10 | | 26 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. No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any

order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

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

5. The first floor windows in the western elevation of unit 1 and the eastern elevation of unit 4 of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

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

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

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

7. Notwithstanding the plans hereby permitted, the development shall not be commenced until details of the street design have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and shall thereafter be retained for use at all times.

Reason: In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR14, TR18, SU3, SU5, QD25, QD27 of the Brighton & Hove Local Plan and SA6, CP7, CP9, and CP12 of the City Plan Part One.

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

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

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

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

10. 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.

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

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

12. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
13. A bee brick shall be incorporated within the external wall of each dwelling hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
14. Eight (8) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
15. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
16. 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 & CP11 of the Brighton & Hove City Plan Part One.
17. The lower half panes of the first floor windows in the oriel window on the southern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

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

2. Further details of Street Design in relation to condition 7 are required. In addition to dimensions and measurements of the access road, the following must also be included:
 - A minimum of 1.2m width footway along its edge or a delineated pedestrian walkway with warning signs that indicate there may be pedestrians present
 - the access road to be illuminated e.g. lit bollards on either side
3. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 5 and 17.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.

2. SITE LOCATION

- 2.1. This application relates to a detached bungalow situated to the rear (north) of 37 and 39 Crescent Drive North. The topography of the area is such that the application site is elevated behind neighbouring properties and is accessed via a sloping driveway. The surrounding area is residential comprising a mix of detached bungalows and houses of non-uniform appearance.

3. RELEVANT HISTORY

- 3.1. **BH2017/01216:** Demolition of existing house and outbuildings and erection of 5no three bedroom houses (C3) with provision of 8no vehicle parking spaces and associated landscaping, cycle and bin storage. Refused November 2017. Appeal dismissed June 2019.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing dwelling and outbuildings and the erection of 4no. new two-storey dwellinghouses (C3) with parking, landscaping and associated works.

5. REPRESENTATIONS

- 5.1. **Seven (7)** letters of representation have been received objecting to the proposed development on the following grounds:

- The proposal does not address the reasons for refusal of the previous application
- The development is still an overdevelopment of the site
- The intensity of the occupancy remains significantly increased
- The proposed vehicular access remains unchanged
- There is a lack of on-site parking
- Local road safety
- The total living area of each unit has increased
- The appearance and size of the proposed dwellings is out of character
- Overspill parking
- Noise and disturbance from additional car movements
- The proposed houses would not be affordable
- Overshadowing
- Overlooking
- Disabled access is limited throughout the site particularly rear gardens, through the properties and parking spaces
- The access road is not pedestrian friendly
- Drainage issues
- Disruption during construction
- Loss of privacy
- Access is not pedestrian friendly

6. CONSULTATIONS

- 6.1. **Highways** No objection subject to conditions
- 6.2. **Policy** No Comment
- 6.3. **Private sector housing** No comment
- 6.4. **Southern Water** No objection

7. MATERIAL CONSIDERATIONS

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

- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| CP1 | Housing delivery |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |
| CP12 | Urban design |
| CP10 | Biodiversity |
| CP14 | Housing density |
| CP19 | Housing mix |

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

| | |
|------|---|
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO13 | Accessible housing and lifetime homes |

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

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

| | |
|------|---|
| DM18 | High quality design and places |
| DM20 | Protection of Amenity |
| DM21 | Extensions and alterations |
| DM22 | Landscape Design and Trees |
| DM33 | Safe, Sustainable and Active Travel |
| DM36 | Parking and Servicing |
| DM37 | Green Infrastructure and Nature Conservation |
| DM40 | Protection of the Environment and Health - Pollution and Nuisance |

Supplementary Planning Documents:

| | |
|-------|-----------------------------------|
| SPD11 | Nature Conservation & Development |
| SPD14 | Parking Standards |

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to principle of residential development on site, the impact of the dwelling on the design and appearance of the site and the surrounding area, the standard of accommodation provided, the impact on neighbouring amenity, the sustainable transport impacts and sustainability of the proposed development.
- 9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of development

- 9.6. The principle of residential development on the site was accepted under the previous application (BH2017/01216). The specific impacts of the 4 additional dwellings however are considered below in full.

Design and Appearance

- 9.7. City Plan Policy CP14 of the Brighton & Hove Local Plan allows for infill development within the city when a high standard of design is achieved, and the resulting development would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.
- 9.8. The current application proposes the erection of 4 dwellings which comprise two semi-detached pairs. The current scheme follows a previous refusal on the site

for the addition of 5 dwellings in 2017 (which was later dismissed 2019) which comprised a semi-detached pair and a terrace of three properties.

- 9.9. This previous application (BH2017/01216) was refused on design grounds. The first reason for refusal of the application stated:
'The proposed development is of a scale and nature beyond that which would reasonably be expected in a back land location. The increase in the number of dwellings combined with the elevated position of the site would result in the over intensification of the site and a dominant appearance. As such the proposal represents an over development of the site which is out of keeping with the prevailing pattern of development in the immediate area. The development therefore fails to reinforce local distinctiveness to the detriment of the character of the area, contrary to CP12 of the Brighton and Hove City Plan Part One.'
- 9.10. The previous officer report considered that the proposed development of 5 additional dwellings was of a scale that would appear as a secondary frontage. It also raised concern that the plot sizes were out of keeping with what is typical for the areas, highlighting the overdevelopment of the site.
- 9.11. This application was the subject of an appeal. Within the appeal decision the appeal inspector noted that Crescent Drive North streetscene comprises a mixture of bungalows and houses of which most are detached, but that semi-detached houses could be seen within close proximity of the site and therefore the inclusion of a pair of semi-detached properties had precedent.
- 9.12. The inspector continued to note that roof forms and materials vary within the street and that architectural styles are not uniform. Aesthetically it was considered that the proposal would not look out of place.
- 9.13. The principle of back land development was also accepted by the inspector who stated:
'The site lies in back land, behind numbers 37 and 41 but that is not without precedent: the adjoining development at number 35 includes one house in the back land, more or less aligning with those proposed in the appeal. The eastern boundary of the site abuts Treetops Close, a development which includes four houses facing Crescent Drive North but also seven in the back land behind them. At the western end of the street is Bush Close, a closely-packed development of bungalows in the back land behind numbers 7 and 9 Crescent Drive North.'
- 9.14. The inspector continued to note that whilst plot sizes would be smaller than typical for the area, this is in part due to the promotion of the efficient and effective use of development sites across the city within policies CP12 and CP14 of the Brighton and Hove City Plan Part One. Whilst no objection was raised by the appeal inspector in relation to the impact of the proposals on the character or appearance of the area, the small plot sizes and consequently limited outdoor space were considered contrary to policy HO5.
- 9.15. The current application reduces the number of dwellings on the site and the impact on the plot sizes, specifically in relation to the outdoor amenity provisions, is considered in full below.

- 9.16. The overall design of each property is to remain as previously proposed with no significant changes to the character and appearance of the dwellings with the exception of some minor changes to the fenestration openings.
- 9.17. It is acknowledged that the scale of each property has increased in width given the reduction in units across the site. Whilst this does not result in a significant reduction in the ratio of built form to open space from the previous application, the frontage width of the properties is more in keeping with neighbouring properties that front Crescent Drive North within the immediate area of the application site.
- 9.18. It is noted that owing to the loss of a unit from the previous scheme, each plot and host property has increased in scale. Visually this is not considered to result in any further significant harmful impact than the proposal considered by the inspector, to which no harm was identified to the character and appearance of the wider area.
- 9.19. It is considered that given the constraints of the site and to protect the visual amenity of the area, that permitted development rights be removed from these properties.
- 9.20. Taking into account the Inspectors comments in the appeal relating to the earlier refused scheme and the amendments made to the scheme following the earlier refusal and dismissal at appeal, it is considered that the proposals is in accordance with policies CP12 and CP14 of the Brighton and Hove City Plan Part One.

Standard of accommodation

- 9.21. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 9.22. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.23. The proposed development results in the creation of 4no. four-bedroom properties which is intended for 7 occupiers. Each property features an identical layout which comprises a living area to the front with a kitchen/dining area to the rear at ground floor and four bedrooms and a family bathroom at first floor level.
- 9.24. Each habitable room would benefit from adequate levels of light, outlook and ventilation. An indicative floor plan has also been provided which demonstrates

how the primary living areas would allow for sufficient circulation space and useable floor area for future occupiers following the placement of furniture items likely to be required by future occupiers.

- 9.25. At first floor the property comprises 4 bedrooms which vary in size from 8.6sqm to 15.9sqm. Each of the bedrooms proposed would meet or exceed the standards within the NDSS for either a single or double bedroom. Each bedroom would also provide sufficient floor space for the placement of likely furniture items.
- 9.26. Policy HO5 requires the provision of private useable amenity space in new residential development. The previous application (BH2017/01216) was dismissed at appeal with the planning inspector raising concerns with the lack of private amenity space for each unit as a result of the overall plot size.
- 9.27. The appeal decision stated:
'Plot sizes would be smaller than typical in the area... this would manifest itself in two ways. Firstly, the rear gardens would be very small, exacerbated by their steep slope and (in the case of the westernmost unit) by an awkward configuration. It would also be manifest in the cramped and rather unsatisfactory parking provision.... In this case, the proposal does not accord with up-to date development plan policies CP14(6), HO5 and QD27.'
- 9.28. It is acknowledged that each of the properties has increased in scale and that the properties now form four-bedroom semi-detached properties rather than the three bedrooms previously proposed. This increase in occupancy levels places an additional need for further amenity space.
- 9.29. In order to address the above concerns, the number of dwellings on the site has been reduced from 5 to 4. This has therefore resulted in larger plot sizes for each proposed dwelling and plots of a greater width than those in the refused scheme. In addition to the larger plot sizes, the application proposes to make the rear gardens more useable through excavation works to the rear which allows for a level patio area and levelled grassed area accessed via steps.
- 9.30. By example, the plot width of the properties located to the centre of the site have increased from between 5.5m-6.5m to 8m. In addition, by example of the increase to the rear amenity spaces proposed, the rear amenity space of property 2 shown on the current and previous plans has increased in size from approximately 85sqm to 101sqm.
- 9.31. It is therefore considered that the resultant amenity space proposed for each property is considered to be commensurate to the units proposed in line with policies HO5 and QD27 of the local plan. Furthermore, whilst the gardens areas remain smaller than what is typical for the surrounding area, it is acknowledged that three additional new dwellings would be created thereby benefitting the councils housing land supply which is of benefit that is considered to outweigh the acknowledged slightly smaller gardens and ensures a efficient and effective use of the site in accordance with policy. Therefore on balance the proposal is considered to be in accordance with policies CP12 and CP14.

Impact on Amenity:

- 9.32. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.33. The previous planning application on the site (BH2017/01216) featured two separate reasons for refusal relating to adverse amenity impacts of the development upon neighbouring occupiers. Reason for refusal 2 of the previous application stated:
'The increase in the number of households from a single dwellinghouse to a terraced group of five properties each with first floor fenestration would significantly increase the intensity of the occupancy of the site, resulting in an increase in over-looking and loss of privacy to adjacent occupiers, particularly No's 37 and 41 Crescent Drive North contrary to Policy QD27 of the Brighton and Hove Local Plan.'
- 9.34. This earlier application was the subject of an appeal and in relation to the above reason for refusal, the planning inspector considered that:
'The proposed dwellings would be set slightly further back than the existing and so would improve upon the current situation in terms of distance but not in terms of numbers. The impression of overlooking would be greater because the proposed dwellings would have oriel windows glazed on three sides with no special privacy features. Nevertheless, the separation involved would meet normal standards for privacy and would be greater than that proposed between the two dwellings currently under construction at number 35 Crescent Drive North.'
- 9.35. The inspector therefore concluded that the proposals would not cause unacceptable loss of privacy to the residents of numbers 37 and 41 Crescent Drive North in accordance with policy QD27 of the Local Plan.
- 9.36. The glazing to the front (south) elevation of the new dwellings is broadly similar to that previously proposed. The proposed oriel window is of an increased width, providing three panes over the two previously proposed. The agent has confirmed that the obscure panels to the lower half of the first floor front facing 3 sided window will be retained as obscurely glazed. In addition, the right-hand window at first floor level has reduced in height but has increased in width. This window also now serves a bedroom rather than the bathroom previously proposed. The views achieved from the current scheme are not considered to be substantially different from those under the previous scheme which the inspector considered to be acceptable. Further, the number of overall windows at first floor has been reduced owing to the reduction in the number of units on the site.
- 9.37. The scheme is therefore not considered to result in significant adverse harm to the amenities of neighbouring occupiers by way of overlooking or loss of privacy. Whilst the new dwellings would each feature a balcony to the rear, no objection was raised to this element of the scheme under the previous application nor by

the planning inspector. It is acknowledged that views from each balcony will allow for views within the site however this overlooking would be mutual and not significantly harmful.

- 9.38. The third reason for refusal of the previous application (BH2017/01216) stated: *'The proposed vehicular access, communal parking area and associated coming and goings would result in a level of activity beyond that which would be reasonably expected in a back garden setting location. Neighbouring occupiers, particularly at No.37 and 41 Crescent Drive North would suffer noise disturbance contrary to Policies SU10 and QD27 of the Brighton and Hove Local Plan.'*
- 9.39. The access to the site runs between the flanks of numbers 37 and 41 Crescent Drive North. In each case their flanks are about 4m from the boundary which comprises a 1.5m fence, supplemented by dense shrubbery at number 41.
- 9.40. In response to this reason for refusal the planning inspector noted the following: *'It is not uncommon for side streets to pass between the flanks of other properties. Further along Crescent Drive North, Bush Close can be seen to pass between numbers 5 and 7 in a more intimate relationship than that proposed in this appeal. So, the arrangement would not necessarily lead to unacceptable noise and disturbance to numbers 37 and 41.'*
- 9.41. The appeal inspector did however note that the parking arrangements, adjacent to No.37 would be unneighbourly as the regular daily use of these spaces would cause a level and frequency of noise and disturbance to No.37 which would be unacceptable.
- 9.42. In order to overcome the harm raised by the planning inspector, the current application has removed the parking spaces previously proposed to the access road. Each of the properties has been marginally set back within the site towards the north, allowing for the reconfiguration of the hardstanding to the front, allowing the provision of 6 parking spaces.
- 9.43. The inspector's comments within the appeal decision carry significant weight and therefore no objection is had to the scheme in relation to the noise impact upon No.37 and 41 Crescent Drive North and the reconfiguration of the parking area addresses the concerns raised in respect of the location of the parking.
- 9.44. The previous application (BH2017/01216) raised no objection in terms of amenity impact on the occupiers of 2 Tree Tops Close or 35A Crescent Drive North. The current scheme is largely similar to that previous and the separation distance from the outer walls of neighbouring properties, in addition to the boundary treatment ensures no direct loss of privacy would result. The current application incorporates a single first floor side window to unit 1 (west) and 4 (east). The windows however serve bathrooms and therefore a condition will be sought to ensure they are obscurely glazed and non-opening. The original scheme included an additional window to the western side elevation of unit 1 to bedroom 2, but this has since been omitted from the scheme.

- 9.45. It is therefore considered that the proposed works are in accordance with Policy QD27 of the Local Plan and DM20 of the City Plan Part 2 which carries significant weight.

Ecology

- 9.46. 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.
- 9.47. 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. A condition requiring bee bricks and swift bricks is sought 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.

Sustainable Transport:

Pedestrian and vehicle access

- 9.48. There is concern that pedestrian facilities are not proposed when there is to be an increase in dwellings from one to four sets residents using the access road, that is also quite steep.
- 9.49. It is therefore requested that measures are proposed to reduce the risk of pedestrians using the access road. Therefore, a Street Design condition is sought which, along with dimensions and measurements of the access road, addresses the needs of pedestrian users of the site. This must include a 1.2m width footway or a delineated footpath with warning signs to motorists that pedestrians may be present and a scheme of lighting to ensure it is illuminated.

Cycle Parking

- 9.50. This proposal requires a minimum of 2 spaces per dwelling in accordance with Parking Standards SPD14. There is adequate space at the rear of each property and adequate access to the rear gardens. Full details can be provided via condition.

Car parking

- 9.51. The City Council's SPD14 states that the maximum car parking standard for 3 plus bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. Therefore, a maximum of 6 spaces may be proposed. The applicant is proposing the maximum amount therefore this proposal is deemed acceptable.

Vehicle access

- 9.52. The parking spaces are proposed to be served by a private access road. This arrangement for this size and type of development is deemed to be acceptable as there is a turning space that will allow vehicles to enter and exit in a forward gear and space on the carriageway to allow for vehicles to stop and let others pass.

- 9.53. The narrow entrance and carriageway paving should be sufficient to encourage lower driving speeds on site.

Trip generation

- 9.54. It is not deemed that the increase in trips associated with four dwellings or additional cumulative impact from these could be deemed to amount to a severe impact on the surrounding highway network.

Sustainability

- 9.55. Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. If the scheme were otherwise considered acceptable, these measures would be sought by condition.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

11. EQUALITIES

- 11.1. Each proposed new dwelling is accessed via three wide shallow steps. Whilst no level access is provided, a 12v supply for a future chair lift is proposed if required in the future.

12. CLIMATE CHANGE/BIODIVERSITY

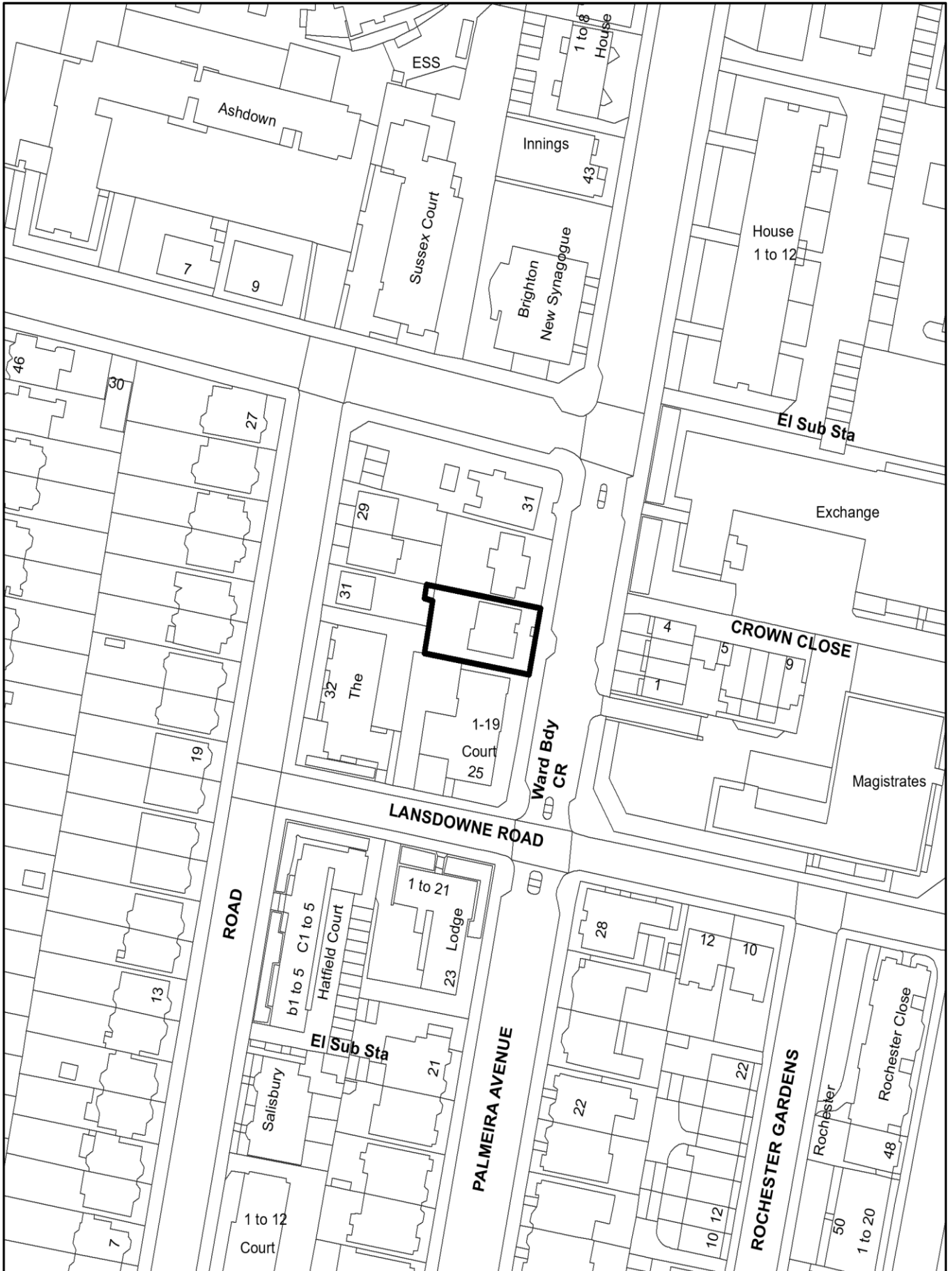
- 12.1. The proposed development would provide a back-land development which makes an effective use of an existing site. The proposals also incorporate a number of measures that improve the efficiency of the development including cycle parking which reduces the reliance on vehicular transport, the inclusion of nature improvements such as bee bricks and swift boxes and securing energy and water efficiency standards.

ITEM F

**27 Palmeira Avenue
BH2021/02511
Full Planning**

DATE OF COMMITTEE: 1st December 2021

BH2021 02511 - 27 Palmeira Avenue



Scale: 1:1,250

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| | | | |
|--------------------------------------|--|----------------------------|------------------------------------|
| <u>No:</u> | BH2021/02511 | <u>Ward:</u> | Brunswick And Adelaide Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 27 Palmeira Avenue Hove BN3 3GD | | |
| <u>Proposal:</u> | Formation of additional storey to form 1no two-bedroom flat. | | |
| <u>Officer:</u> | Jack Summers, tel: 296744 | <u>Valid Date:</u> | 07.07.2021 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 01.09.2021 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | 03.12.2021 |
| <u>Agent:</u> | Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD | | |
| <u>Applicant:</u> | CCS Holdings C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD | | |

1. RECOMMENDATION

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

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|-------------------------|------------------|----------------|----------------------|
| Location and block plan | 0506.PL.1000 | - | 18 October 2021 |
| Proposed Drawing | 0506.PL.1001 | A | 18 October 2021 |
| Proposed Drawing | 0506.PL.1002 | A | 18 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 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.

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 following window hereby permitted shall be obscure glazed and non-opening, unless the parts 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.

- The window servicing the ensuite bathroom on the south elevation

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

5. 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.

6. Three or more swift bricks/boxes shall be incorporated within the external surface of the development hereby approved and shall be retained thereafter.

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

7. No development 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:

- a) The phases of the Proposed Development including the forecasted completion date(s);
- b) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
- c) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- d) Details of hours of construction including all associated vehicular movements;
- e) Details of the construction compound;

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 TR7, QD27, SU9 and SU10 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.

8. The residential flat hereby approved shall not be occupied until it has achieved:
- a) an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).
 - b) a water efficiency standard of a minimum 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 energy and water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
4. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION

- 2.1. The application site is a recently-built, three-storey over basement block of (C3) self-contained flats on the west side of Palmeira Avenue. The Willett Estate conservation area is just west of the site, whilst the Brunswick Town conservation area is to the southeast.

3. RELEVANT HISTORY

- 3.1. **BH2020/03521** Non Material Amendment to BH2018/01845 to revise the application description to read: Application for variation of condition 1 of BH2017/01666 (Demolition of existing building and erection of new residential building containing 8 one and two bed residential units with associated landscaping and cycle storage) to allow amendments to the approved drawings. Approved
- 3.2. **BH2020/03211** Application for variation of conditions 1 (drawings), 10 (cycle parking) and 11 (landscaping details) of application BH2018/01845 (As amended by BH2020/03211) (Application for variation of condition 1 of BH2017/01666 to allow amendments to the approved drawings) to allow amendments to the approved drawings and to amend the cycle parking facilities and landscaping details. Removal of condition 12 (refuse and recycling). Approved
- 3.3. **BH2018/01845** Application for variation of condition 1 of BH2017/01666 (Demolition of existing building and erection of new residential building containing 4no one and two bed maisonettes and 4no one and two bed flats with associated landscaping and cycle storage) to allow amendments to the approved drawings. Approved
- 3.4. **BH2017/01666** Application for variation of condition 13 of BH2015/01066 (Demolition of existing building and erection of new residential building containing 4no one and two bed maisonettes and 4no one and two bed flats with associated landscaping and cycle storage) in order to comply with the current policy for sustainable buildings. Approved
- 3.5. **BH2015/01066** Demolition of existing building and erection of new residential building containing 4no one and two bed maisonettes and 4no one and two bed flats with associated landscaping and cycle storage. Approved
- 3.6. **BH2014/03417** Demolition of existing building and erection of new residential building containing 4no one and two bed maisonettes and 4no one and two bed flats with associated landscaping and cycle storage. Refused
- 3.7. The development, by virtue of its scale, bulk, footprint and design to the rear of the building and site, would represent an overly dominant addition that would relate poorly to adjacent properties and would fail to respect the local context. The development would fail to emphasise and enhance the positive qualities of the local neighbourhood and is contrary to policies QD1, QD2 and HO4 of the Brighton and Hove Local Plan.
- 3.8. The development, by virtue of its scale in close proximity to the boundaries of the 29 Palmeira Avenue and 30 & 31 Salisbury Road, would result in an increased sense of enclosure and a loss of outlook for occupants of these properties. The rear ground floor windows would also result in harmful overlooking for occupants of 31 Salisbury Road. The proposal would result in significant harm to neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.

- 3.9. The development, by reason of the small and enclosed outdoor amenity areas and the internal layout, which would fail to incorporate Lifetime Homes standards in the design, would fail to meet the needs of future occupants and would be detrimental to their living conditions. The proposal is therefore contrary to policies HO5 and HO13 of the Brighton & Hove Local Plan.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for an additional storey atop the block of flats, which would create a single two-bedroom (C3) flat.

5. REPRESENTATIONS

- 5.1. **Fifteen (15)** representations have been received, from a total of thirteen individuals, objecting to the proposal on the following grounds:

- Loss of light
- Loss of privacy
- Loss of view of the sky
- Noise nuisance when it rains on the metal cladding*
- Increased parking stress
- Increased pollution
- Impact on the highway due to the construction work
- Increased use of communal bins
- Increased demand on public services
- The proposed development is unsightly
- The roofline will no longer step down between Lansdowne Road and Eaton Road
- The additional height is inappropriate
- Lack of consultation
- Detrimental impact on property values

It should be noted that all the responses received were commenting on the initial proposal which included two additional residential flats. The scheme has since been amended to reduce the massing and result in only a single additional flat. A re-consultation was not carried out.

**It should also be noted that the amended scheme has replaced the metal cladding with a light-coloured brick finish.*

6. CONSULTATIONS

6.1. Private Sector Housing

No Comment

6.2. Transport

Generally, vertical hanging cycle parking is not supported; however, in this instance it is considered acceptable given the constraints of the development site. The recently constructed block of flats already provides a sufficient number of cycle parking spaces in the basement, additional cycle parking for the new flats would not be detrimental.

- 6.3. There is no existing off-street parking on the site, and none proposed. The site lies within a Key Public Transport Corridor; the public transport provision is judged to be good. The proposed development is not considered likely to result in any significant uplift in trip generation. The site utilises communal bins on the street. Pedestrian access to the site will be unchanged.

6.4. Urban Design

The prevailing roofscape on this section of Palmeira Avenue steps down as it goes northward to address the scale of the smaller dwellings more sensitively. It is considered that the development on this site is already at the maximum height that could be considered sensitive to these dwellings; therefore, any increase in height is likely to cause harm.

7. MATERIAL CONSIDERATIONS

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

- 7.2. The development plan is:

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

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

| | |
|-----|--|
| SS1 | Presumption in Favour of Sustainable Development |
| SA6 | Sustainable Neighbourhoods |
| CP1 | Housing delivery |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |

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

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

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

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part Two do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

| | |
|------|-------------------------------------|
| DM1 | Housing Quality, Choice and Mix |
| DM18 | High quality design and places |
| DM19 | Maximising Development Potential |
| DM20 | Protection of Amenity |
| DM21 | Extensions and alterations |
| DM29 | The Setting of Heritage Assets |
| DM33 | Safe, Sustainable and Active Travel |
| DM36 | Parking and Servicing |

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the standard of accommodation that would be provided to future residents; and the potential impacts on the amenities of local residents; on heritage assets in the vicinity; and on highway safety.

Principle of Development

- 9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).

- 9.3. However, on 24th 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 16th 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.
- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. There is no concern with the principle of additional residential accommodation in this location; the area is primarily residential in character.

Design and Appearance

- 9.7. The proposed development is set in from all sides and appears as a subservient addition to the existing building, with fenestration that complements that on the lower storeys. Although one or more representations received from members of the public have described it as unsightly, it is not considered that with the set in that the structure would appear overly dominant and inappropriate above the existing structure.
- 9.8. However, the context of the site leads to concern, as the additional height that the development would create would jar with the rhythm of the streetscene. The application site sits between Lansdowne Court (a part three, part four-storey block of flats with a maximum height of 10.6m, dropping down to 7.8m adjacent to the application site) and no.29 Palmeira Avenue (a two-storey over basement residential unit with a maximum height of 7.0m) - all measurements are approximate and taken from the height of the highway in front of each building, which gently rises in a northerly direction. The existing site sits reasonably comfortably in terms of height within the wider streetscene, fitting between the 10.6m maximum height of Lansdowne Court and the 7.0m height of no.29 Palmeira Square; the rhythm of the streetscene is maintained.
- 9.9. The proposed development would disrupt the abovementioned rhythm, raising the height of no.27 to appear greater than that of Lansdowne Place, leading to a more significance drop to meet the roofscape of no.29 - both Lansdowne Court and the application site would reach to a height of approximately 10.6m above the highway; the application site appears taller as the land level itself rises along the Avenue.

- 9.10. Policy CP12 of the CPP1 requires development raise the standard of architecture and design in the city.
- 9.11. Policies QD14 of the BHLP and DM21 of the CPP2 require extensions to existing buildings be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
- 9.12. Policy DM18 of the CPP2 requires that development demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment; the scale and shape of buildings should also be considered. It should be noted however that this policy can only be given limited weight in the planning balance.
- 9.13. It is considered that by failing to maintain the rhythm of the streetscene in terms of height and massing, the proposal would cause a degree of harm to the character and appearance of the streetscene; this would be contrary to the aims of the abovementioned policies. Notwithstanding this concern, it is not considered that this issue in itself would justify refusal of the application.

Impact on Heritage Assets

- 9.14. When considering whether to grant planning permission for development that might affect the setting of a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.15. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.16. The site lies in the general vicinity of the boundaries of both the Willett Estate and Brunswick Town conservation areas; there are several similarly-scaled blocks of flats closer to both conservation areas (including in site-adjacent plots) and it is considered that the proposed development would have a neutral impact on the significance of these designated heritage assets. There are no concerns in this regard.

Impact on Amenities

- 9.17. The potential impact caused by the building works themselves is not a material planning consideration to be given any weight in the assessment of this proposal. Although some level of disruption is very likely, this would be in the short-term only and is not reason to withhold planning permission.
- 9.18. A condition will be attached restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in the vicinity.
- 9.19. Concerns have been raised that the proposed development would cause a harmful loss of light/overshadowing, loss of privacy, and loss of view of the sky for neighbouring residents. These issues shall be addressed in turn.

- 9.20. The proposed development would represent increased height and massing around the rooftop level; this would inevitably lead to the building casting a greater shadow. It is not considered though that this would lead to harm significant enough to warrant refusal; the additional scale of the building would not lead to significant additional overshadowing. Moreover, the most valuable sunlight, that received in the afternoon and early evening, would not be largely reduced for any residential properties. After midday the shadow of the building would fall mainly across the highway of Palmeira Avenue itself, and partly across the front gardens of Crown Close in the winter months; it is not considered that this would represent a significant detrimental impact upon any person's amenities.
- 9.21. It is also not considered that the proposed development would lead to any significant loss of privacy; the existing property is three storeys in height and the additional storey would not create any compromising vantage points that provide views not already possible from the existing windows of the building.
- 9.22. One side window on the south elevation shall be fitted with obscure glazing and be fixed shut to an internal height of 1.7m in order to prevent any potential loss of privacy to neighbouring residents; this is labelled as such on the proposed drawings and should not prejudice future occupants of the proposed flat.
- 9.23. Concerns have been raised that the proposal would lead to a loss of view of the sky for one or more persons. These views are not protected under the planning system and would not be reason to withhold planning permission.

Impact on the Public Highway

- 9.24. The proposed development would add a single residential unit to the city's housing stock in this area; the associated comings and goings from this unit are not considered to have the potential to have a significant impact on the public highway, either in terms of increased parking pressure or in air pollution. The site lies within a Controlled Parking Zone; any overspill parking that would result from the development would be managed.
- 9.25. Adequate secure cycle parking is included in the proposal; were permission minded to be granted then the installation and retention of said parking facilities could be secured by condition.
- 9.26. Although the impact of building works on residential amenity is not a planning consideration, there is the potential that the development process could cause highway disruption. However, the scale of the development does not merit the imposition of a Construction Environmental Management Plan.

Standard of Accommodation

- 9.27. 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 & Hove City

Plan, policy DM1 of CPP2 proposes to adopt them and can now be given significant weight.

- 9.28. The new residential unit would provide a gross internal area (GIA) of approximately 86.8m². This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 9.29. The proposed flat would exceed the requirements of the NDSS for a two-bedroom, four bed-space unit (which is 70m²) and the proposal is considered to provide a good standard of accommodation in terms of GIA and circulation space. Whilst the main living area does benefit from a dual aspect (with east and west-facing windows) the building does not provide any south-facing windows (aside from a small bathroom window) and the main living area is on the north side of the building - this reduces the potential for passive design benefits through natural light intake. Overall, though, the standard of accommodation is considered to be good and there are no significant concerns in this regard.

Other Considerations

- 9.30. Concerns have been raised that residents were not adequately consulted with as part of the application process. Public notices were displayed within the streetscene and the application was advertised on the Council website; furthermore, letters were sent to adjacent properties (excluding blocks of more than ten flats), in accordance with the Council's standard consultation procedure. Amendments to the proposed development were received during the lifetime of the application; since these resulted in a reduced impact on all parties, it was considered unnecessary to carry out an additional consultation.
- 9.31. The site appears to be in an area serviced by on-street communal refuse and recycling bins; it is considered therefore that the new residential flat could make use of these facilities and further details are not required. It has been raised by local residents that existing on-street facilities are inadequate for the volume of rubbish already deposited, and an increase of residential units in the area will exacerbate this issue. This would appear to be an issue that needs to be addressed by the relevant Council department and is not a planning matter; it would not be reasonable to withhold planning permission for all new residential properties in the area on this basis.
- 9.32. 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 swifts. A suitably-worded condition will be attached to secure an appropriate number of swift boxes within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.
- 9.33. A planning condition shall be included requiring that the development meet sustainability targets in terms of water and energy efficiency.

Conclusion

- 9.34. It is considered that the proposal would cause some harm to the visual amenity of the streetscape by disrupting the rhythm of the streetscene in terms of building height. However, this harm is not considered sufficient to warrant refusal of the application and in view of the fact that the Local Planning Authority has a significant shortfall in housing land supply, the benefits of the scheme would outweigh the minor harm caused in this instance. The proposal would cause no significant harm to the amenities of local residents and would have a neutral impact on nearby heritage assets and highway safety; it would also provide a good standard of accommodation. For these reasons the proposal is considered to be in accordance with policies QD27, HO5 and HE6 of the Brighton and Hove Local Plan; and CP1, CP8, CP9, CP15 and CP19 of the City Plan Part One.
- 9.35. It is also considered that the proposal would also be in accordance with policies DM1, DM20, DM29, DM33 and DM36 of the Proposed Submission City Plan Part Two which is gathering weight. These policies are considered to have significant weight at this stage.

10. EQUALITIES

- 10.1. The proposed development would not have level access. Given the existing layout of the block of flats (which does not include a passenger lift) it is not considered that level access could reasonably be expected, and this would not warrant planning permission being withheld in this instance.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. The exact amount of CIL liability will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The proposed development would make more efficient use of an existing brownfield site which is well-served by public transport services and has private cycle parking facilities.

ITEM G

**141 Elm Grove
BH2021/03176
Full Planning**

DATE OF COMMITTEE: 1st December 2021

BH2021 03176 - 141 Elm Grove



N



Scale: 1:484

| | | | |
|--------------------------------------|---|----------------------------|-----------------------------------|
| <u>No:</u> | BH2021/03176 | <u>Ward:</u> | Hanover And Elm Grove Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 141 Elm Grove Brighton BN2 3ES | | |
| <u>Proposal:</u> | Change of use from residential dwelling (C3) to House in Multiple Occupation (C4) and erection of rear dormer and rear extension (part retrospective). | | |
| <u>Officer:</u> | Charlotte Bush, tel: 292193 | <u>Valid Date:</u> | 31.08.2021 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 26.10.2021 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | DJM Town Planning 16 Fairdene Southwick Brighton BN42 4QN | | |
| <u>Applicant:</u> | Mishbec Ltd Care Of DJM Town Planning 16 Fairdene Southwick BN42 4QN | | |

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 | 2021-05-P-01 | | 31 August 2021 |
| Proposed Drawing | 2021-05-P-07 | B | 28 October 2021 |
| Proposed Drawing | 2021-05-P-12 | | 31 August 2021 |
| Proposed Drawing | 2021-05P-13 | | 28 October 2021 |

2. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 2021-05-P07 REV B received on the 28/10/2021, 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.

3. The HMO unit hereby approved shall only be occupied by a maximum of five (5) persons.

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

4. The development hereby 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.

5. 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.

6. 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.

7. 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. 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 (plus basement) terraced house which until the recent works commenced, as set out below, comprised an existing rooflight to the front and two rooflights to the rear roof. The site is located on the north side of Elm Grove, between Bonchurch Road and Whippingham Road.

- 2.2. Elm Grove is a prominently residential area with good transport links and is within walking distance of local shops and facilities.
- 2.3. 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. **BH2021/02447** - Certificate of lawfulness for proposed rear dormer. Approved 23/08/2021
- 3.2. **BH2021/02404** - Erection of a single storey rear extension, with associated works. Approved 20/08/2021
- 3.3. **BH2015/02962** - Conversion of single dwelling into 2no flats. Refused 19/01/2016
- 3.4. **BH2014/03885** - Conversion of existing single dwelling into 3no flats. Refused 17/07/2015

4. APPLICATION DESCRIPTION

- 4.1. This application seeks permission to convert the existing C3 residential dwelling house to a small HMO in C4 use class providing 5 bedrooms.
- 4.2. The scheme has been amended over the lifespan of the application. The floor plan has been altered to remove the bedroom to the lower ground floor. The amended plans now show the room as an additional communal space (in accordance with officer advice).
- 4.3. The site has existing consent for a rear extension onto the garden at lower ground floor level (BH2021/02404), and a Certificate of Lawfulness for a rear dormer roof extension (BH/2021/02447). However, the dormer and extension are not yet fully constructed (and therefore are not shown on the existing plans). The description has therefore been amended since submission of the application to include these part retrospective extensions. The application has been readvertised.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters have been received from objecting to the proposed development for the following reasons:
 - Over development
 - Additional traffic
 - Detrimental effect on property value
 - Poor design

- Residential amenity
- There are not enough bathrooms to bedrooms
- The lower ground floor bedroom would be subject to much disturbance
- This is a family area not suitable for student lets and should remain so
- Noise and anti-social behaviour from houses of multiple occupation
- There are care facilities for the elderly and those with learning difficulties nearby. The noise and antisocial behaviour that arise from HMOs would be detrimental to the venerable
- Fire hazard, basement door has been closed off giving no escape for front room residents
- Services are already stretched for locals
- There is a shortage of good housing for local people who want to send their children to local schools
- These types of properties attract transient residents who are not invested in the local area.

5.2. The application has been re-advertised. In response, **three (3)** letters has been received objecting to the proposed development for the following reasons:

- Because of the additional traffic
- Detrimental effect on property value
- Inappropriate height of development
- Noise
- Overdevelopment
- Too many HMOs in the area
- Anti social behaviour

5.3. **Councillors Gibson and Powell** objected to the scheme, and their comments are attached.

6. CONSULTATIONS

6.1. **Planning Policy:** No Comment
Policy comments not required

6.2. **Private Sector Housing:** Comment
Should the above application be granted then the applicant will need to apply for HMO Licence via the council' website.

6.3. **Sustainable Transport:** Verbal Comments No objection
The proposed scheme is unlikely to generate significantly more trips or on street parking. An HMO of this size requires cycle stands for a minimum of 3 bikes. Bike storage has been suggested for the rear garden, but this does not appear to include individual security facilities for each bike. Two covered Sheffield stands would be the recommendation, and this should be secured by condition.

7. MATERIAL CONSIDERATIONS

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

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| CP1 | Housing Delivery |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP12 | Urban design |
| CP14 | Housing Density |
| CP19 | Housing mix |
| CP21 | Student housing and Housing in Multiple Occupation |

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

| | |
|------|----------------------------|
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU10 | Noise Nuisance |
| QD14 | Extensions and alterations |
| QD27 | Protection of amenity |

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the 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 in 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:

| | |
|-------|---|
| SPD03 | Construction & Demolition Waste |
| SPD11 | Nature Conservation & Design |
| SPD12 | Design Guide for Extensions and Alterations |
| SPD14 | Parking Standards |

9. CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of the change of use, design and appearance, the standard of accommodation which the C4 use would provide, impact upon neighbouring amenity and transport issues.

Principle of Development:

9.1. The application is for change of use from a C3 dwelling to a use which would allow occupation of the property as a five-bedroom C4 HMO, for 5 people.

9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

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

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

9.3. A mapping exercise has taken place which indicates that there are 99 neighbouring residential properties within a 50m radius of the application property. Three (3) neighbouring properties have been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 3.03%.

9.4. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance 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 description has been amended during the lifespan of the application to include a single storey rear extension and rear dormer currently under construction at the site. The principle of these extensions has already been established under planning applications BH2021/02404 (rear extension) and BH2021/02447 (certificate of lawfulness for the dormer) and as such there is a fall-back position for the single storey extension and dormer extension. As the extensions have not been fully constructed at the time of submission of this application it was considered necessary to incorporate them within this application. As the extensions have already commenced this application is part-retrospective
- 9.7. The single storey full width rear extension would extend 3.2m in depth and 3.3m in height to the flat roof. The curtilage of the application site was considered large enough to accommodate an extension of this size without compromising the rear garden space. The extension was not considered to be a dominant addition that would be adversely harmful to the appearance of the host dwelling. Additionally, there are multiple other examples of similar sized extensions in the immediate vicinity of the site.
- 9.8. The walls of the extension would be constructed from white rendered block masonry and the fenestration would be UPVC framed. The materials of the proposed extension would therefore be sympathetic to the host dwellinghouse.
- 9.9. The proposed single storey rear extension remains acceptable in design terms.
- 9.10. The rear dormer was considered to comply with permitted development regulations. It would be finished to match the materials of the original dwellinghouse. It would extend almost to the full height of the roof - measuring 2.45m high with and a depth of 3.3m and width of 4.09m. The edge of the proposed roof addition would be 0.4m away from the eaves of the original roof.
- 9.11. The proposed rear dormer is considered to comply with permitted development rights. The regulations remain pertinent to planning units in C4 use class
- 9.12. A condition securing a bee brick in the single storey extension is required 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.

Standard of Accommodation:

- 9.13. HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher

standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.

- 9.14. 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.
- 9.15. 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.
- 9.16. The plans have been amended over the lifespan of the application to remove the bedroom to the lower ground floor, altering the proposal from a 6 person/6 bedroom C4 to a 5 person/5 bedroom HMO. This previously proposed additional bedroom was considered to have limited access to natural light and outlook, creating a dark and oppressive living space. The bedroom would also be subject to noise and disturbance from people accessing and using the communal space, and as such was to considered acceptable and was subsequently removed following discussions with the case officer.
- 9.17. The proposed plans now provide an open plan lounge/kitchen/dinner (within the new rear extension) plus additional lounge and a shower room to the lower ground floor. The communal lounge/diner and additional lounge provides a combine space of 39.3sqm which is considered adequate for communal relaxation, cooking and dining for 5 occupants. The open plan lounge/kitchen/diner also has good access to natural light and ventilation from the lounge window and French doors and adequate circulation space once the normal furniture for such use has been installed. It is acknowledged that the separate front lounge would have limited outlook and would be quite dark, but this is not considered to justify refusal as there is another living from area and overall communal space provided is good for five occupants.
- 9.18. Five bedrooms are provided on the upper floors:
- Upper ground floor rear bedroom measures 10.5sqm
 - Upper ground floor front bedroom measures 13.05sqm
 - First floor rear bedroom measures 10.5sqm
 - First floor front bedroom measures 11sqm
 - Second floor bedroom 14sqm (with a head height above 1.8m)
- 9.19. All of the bedrooms show single beds and it is considered that there is sufficient circulation space in each of the bedrooms for single occupancy, once furnished with typical furniture for such use. All bedrooms also have good access to natural light and ventilation.

- 9.20. While some of the bedrooms exceed the minimum to be considered suitable for double occupancy, as the application is now for a maximum of five unrelated people, this limit will be secured by condition and the larger rooms would not consequently result in an increased occupancy. The proposed bedrooms indicated are considered to be suitable for occupation by up to five people.
- 9.21. There are shower facilities on the lower ground floor and second floor, which is considered sufficient for five occupants.
- 9.22. Overall, the revised accommodation is considered reasonable for five adult occupants.
- 9.23. The amended layout will be secured by condition as the front lower ground floor room is not suitable to be used as a bedroom due to its limited access to natural light and outlook, and because it would be subject to much disturbance from people using the adjoining communal space.
- 9.24. 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:

- 9.25. 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.
- 9.26. The proposed change of to a five bed HMO would result in a more intensive use of the property as it is more likely to be five adults in residence rather than a family. However, it is not considered that the increased noise/disturbance to neighbouring amenity would be sufficient to warrant refusal of the application. It is, however, considered necessary to restrict the number of occupants to five via condition to limit the impact on neighbours.
- 9.27. As already noted, Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use to C4 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.
- 9.28. The external alterations to facilitate the change of use includes the erection of a single storey rear extension and rear dormer. The single storey rear extension has already been granted planning permission under application BH2021/02404 and was considered to have limited impact on neighbouring amenity.
- 9.29. Due to the north-facing orientation of the gardens, some loss of sunlight in the neighbouring garden at no.139 Elm Grove may occur. Despite this, the proposed

extension would only extend 1.0m beyond the rear outrigger of this property and there are no outrigger windows which would be directly affected by the development. No.143 Elm Grove is situated on a higher ground level than the application site which would help mitigate the height of the proposed extension. Furthermore, the proposed extension would only extend approximately 1.0m beyond the rear elevation of the existing extension at no.143. The potential amenity impacts are therefore not considered significant enough to warrant a refusal of the application in this instance. It is also noted that following the approval of application BH2021/02404 there is a fall-back position for the single storey rear extension.

- 9.30. A lawful development certificate for the rear dormer was granted under application BH2021/02447. The addition of a dormer would increase the level of overlooking to neighbouring properties. There is existing overlooking between the application site and the rear garden of No. 2 Bonchurch Road. The increase in overlooking from the dormer is not to a degree that would warrant the refusal of the application. Furthermore as a certificate has already been granted there is a fall-back position for the rear dormer.
- 9.31. Overall, whilst there may be some limited adverse 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.

Biodiversity

- 9.32. 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.

Sustainable Transport:

- 9.33. The proposed scheme is unlikely to generate significantly more trips or on street parking. Bike storage has been suggested for the rear garden but is not considered suitable. A condition requiring a revised scheme for bike storage will be secured by condition.

10. EQUALITIES

None identified

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The site has good links to facilities including shops, is well served by public transport, and cycle parking will be secured by condition, reducing reliance on cars. The works would modernise and refurbish the existing building. A bee brick would be secured by condition.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. David Gibson
BH2021/03176 – 141 Elm Grove

20th September 2021:

I object to the creation of another HMO in Elm Grove (ref BH2021/03176) in a ward with a high density of HMOs mostly housing transient residents. If officers are minded to approve, I would like the application along with my objection be heard at planning committee



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Steph Powell
BH2021/03176 – 141 Elm Grove

20th September 2021:

As a fellow ward councillor I too object to the creation of another HMO in Elm Grove (ref BH2021/03176), in a ward with (already) a high density of HMOs, mostly housing transient residents.

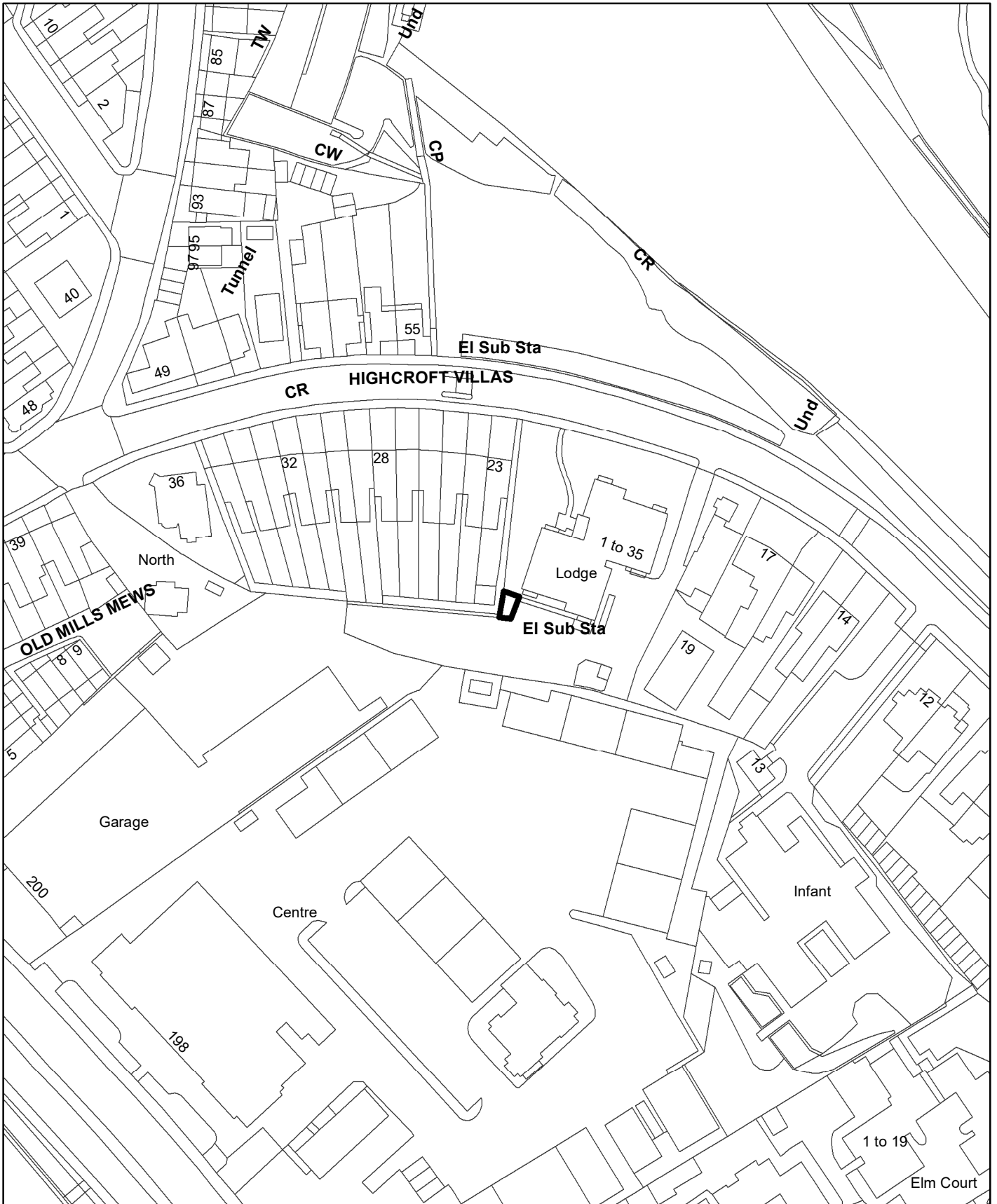
If officers are minded to approve, I would like the application, along with my objection, to be heard at the Planning committee.

ITEM H

**Former Electricity Substation
Land to rear of Highcroft Lodge
Highcroft Villas
BH2021/03177
Full Planning**

DATE OF COMMITTEE: 1st December 2021

BH2021 03177 - Former Electricity Substation, Land to the rear of Highcroft Lodge, Highcroft Villas



N



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|--------------------------|
| <u>No:</u> | BH2021/03177 | <u>Ward:</u> | Preston Park Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Former Electricity Substation Land To Rear Of Highcroft Lodge Highcroft Villas Brighton BN1 5PZ | | |
| <u>Proposal:</u> | Change of use from electricity substation to form indoor personal recreation space (Sui Generis) with erection of single storey outbuilding and associated alterations. | | |
| <u>Officer:</u> | Mark Thomas, tel: 292336 | <u>Valid Date:</u> | 16.09.2021 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 11.11.2021 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | CMK Planning 11 Jew Street Brighton BN1 1UT | | |
| <u>Applicant:</u> | Mr S Goldsworthy-Trapp C/o CMK Planning 11 Jew Street Brighton BN1 1UT | | |

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 | EP100 | | 31 August 2021 |
| Proposed Drawing | EP101 | | 31 August 2021 |
| Proposed Drawing | EP102 | | 31 August 2021 |
| Proposed Drawing | EP103 | | 31 August 2021 |
| Proposed Drawing | EP104 | | 31 August 2021 |
| Proposed Drawing | EP106 | | 31 August 2021 |
| Location Plan | E010 | | 31 August 2021 |
| Block Plan | E011 | | 31 August 2021 |
| Report/Statement | Planning Statement | | 31 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted

to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples/details of all brick,
- b) samples/details of the proposed window and door treatments
- c) samples/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. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

Informatives:

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

2. SITE LOCATION

- 2.1. The application site relates to the site of a former electricity substation to the rear of Highcroft Lodge - a purpose built residential block. The former substation is comprised of an enclosure of concrete posts and timber panels.

3. RELEVANT HISTORY

None

4. APPLICATION DESCRIPTION

- 4.1. This application seeks to construct a single storey outbuilding on the footprint of the former substation. The proposal is for the building to be used as additional accommodation for a resident of the city, albeit not one who lives within Highcroft Lodge. The proposed use is described within the submission as Sui Generis (recreation).

5. REPRESENTATIONS

- 5.1. **Seven (7)** representations have been received from **five (5)** respondents objecting to the proposed development for the following reasons:
- Noise
 - Overshadowing and loss of light
 - Air pollution
 - Close proximity to adjacent building
 - Loss of privacy
 - Overdevelopment

6. CONSULTATIONS

- 6.1. Transport Planning: Verbal comment
- The site is on private land, and does not appear to have a negative impact on the operation of the car park.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| CP9 | Sustainable transport |
| CP12 | Urban design |

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

| | |
|------|--------------------------------|
| TR14 | Cycle access and parking |
| SU9 | Pollution and nuisance control |

| | |
|------|----------------------------|
| SU10 | Noise Nuisance |
| QD5 | Design - street frontages |
| QD14 | Extensions and alterations |
| QD27 | Protection of amenity |

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the 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 |

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main consideration in the determination of this application relates to the principle of the development, the impact of the proposals on the character and appearance of the locality, and the impact on the amenity of occupiers of nearby residential uses.

Proposed use:

- 9.2. The proposal is to construct a building for a use which would serve a similar function to an incidental outbuilding to a dwellinghouse, albeit the occupier in this instance would not live in the adjacent block. The supporting statement sets out that uses would include use as a 'home office', hobby-craft and exercise space. The statement explains that the applicant has insufficient space and privacy in their home for personal pursuits, and that this was highlighted during recent lockdowns. In principle, the described usage is not considered incompatible with the residential use of the wider site.

Design and Appearance:

- 9.3. The proposed building would occupy the same footprint as the existing substation enclosure, approximately 12.5m² internally. The building is congruent with a scale of outbuilding commonly found in residential settings in the City, being 2.69m to the eaves and 3.8m at the highest point. It is appreciated that the building would be positioned so that it would not impinge upon the side building line of Highcroft Lodge, and also that the building would be at its minimum height where it would be closest to that building.

- 9.4. The building would comprise face brick, aluminium fenestration and a single-pitched zinc roof housing rooflights. The use of facing brickwork would compliment the brick elevations of Highcroft Lodge, and the remaining materials would lend the development an acceptable finish, subject to fuller material details being secured by condition.

Impact on Amenity:

- 9.5. 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.
- 9.6. The uses described by the applicant are considered compatible with the wider residential use of the site. If any unforeseen noise disturbance occurred, this could be addressed by Environmental Health legislation.
- 9.7. The proposed building is situated to the north of Highcroft Lodge and does not extend across the rear elevation of that building or any windows housed in that elevation. Given the positioning and orientation, no significant overshadowing or loss of light is foreseen. The positioning of windows, similarly, would avoid any direct overlooking of windows at Highcroft Lodge, with any new views afforded being oblique.
- 9.8. The building would be bulkier and taller than the existing enclosure. There is potential for some impact on outlook from windows on the rear elevation of Highcroft Lodge, particularly those in on the lower ground floor. There is also potential for an increased sense of enclosure. Given the existing structure present, the positioning of the building, and that the building has been designed to pitch away from Highcroft Lodge, it is not considered that any impact on outlook or sense of enclosure would be of such harm to warrant refusal of planning permission.

Transport:

- 9.9. The building would be situated on private land, where no new vehicle parking is proposed. The wider area is controlled by a Controlled Parking Zone which would safeguard against any overspill parking. No significant impact on localised parking provision or highway congestion would arise as a result of the proposed development.

Other considerations:

- 9.10. 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:

- 9.11. The proposed development has a limited public benefit, in that it would provide additional space for use by a resident of the City who doesn't have the opportunity for the same at their home. The design of the building would be acceptable, and no significant negative impact on neighbouring amenity has been identified. For these reasons, subject to further details of materials to be secured by condition, it is recommended that the application is approved.

10. EQUALITIES

No issues identified

11. CLIMATE CHANGE/BIODIVERSITY

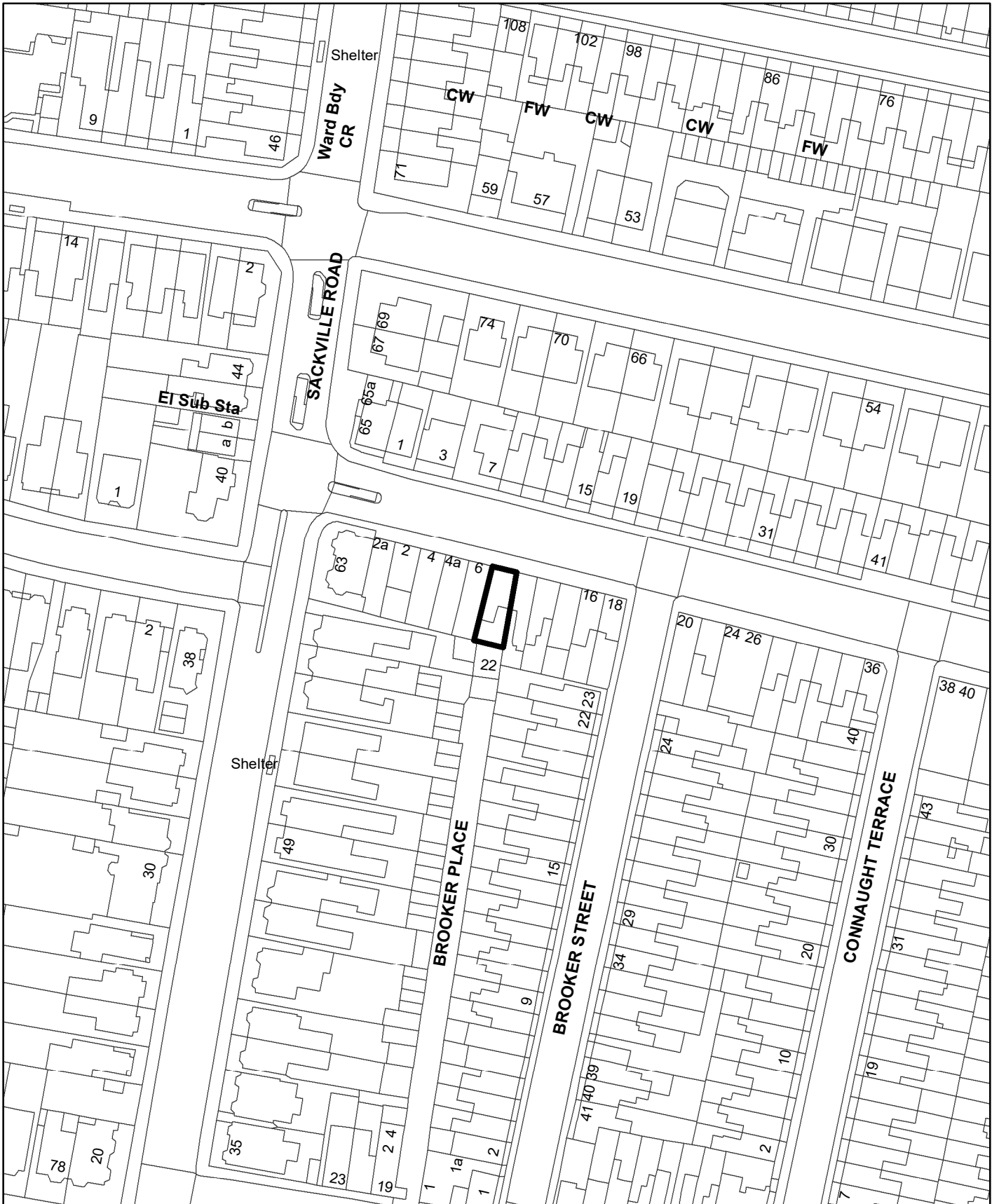
- 11.1. The development makes more efficient use of a redundant substation site. The building utilises three rooflights, one window and glazed doors to allow natural light and ventilation for the building, reducing the need for artificial lighting or mechanical ventilation.
- 11.2. In terms of biodiversity, the development can incorporate a bee brick which shall be secured by condition. The proposals would not include removal of trees/hedgerows which could provide habitat for wildlife. The hard-surfaced nature of the car park area adjacent the site limits the opportunities for biodiversity on the site. No harm to biodiversity has been identified as a result of the development.

ITEM I

**8 Blatchington Road
BH2021/03588
Full Planning**

DATE OF COMMITTEE: 1st December 2021

BH2021 03588 - 8 Blatchington Road



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|--------------------------|
| <u>No:</u> | BH2021/03588 | <u>Ward:</u> | Central Hove Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 8 Blatchington Road Hove BN3 3YN | | |
| <u>Proposal:</u> | Change of use from retail (Class E) and self-contained flat (C3) to single dwellinghouse (C3), with associated external alterations. | | |
| <u>Officer:</u> | Rebecca Smith, tel: 291075 | <u>Valid Date:</u> | 07.10.2021 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 02.12.2021 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Whaleback Planning and Design The Old Bank 257 New Church Road Hove BN3 4EE | | |
| <u>Applicant:</u> | Setec Astronomy Ltd C/o Whaleback Planning and Design The Old Bank 257 New Church Road Hove BN3 4EE | | |

This application is been presented to Planning Committee for determination as the applicant is an elected Member.

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 | 7081/010 | A | 10 November 2021 |
| Proposed Drawing | 7081/020 | H | 10 November 2021 |
| Proposed Drawing | 7081/021 | H | 10 November 2021 |
| Proposed Drawing | 7081/022 | D | 10 November 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.

Informatives:

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

2. The applicant is advised that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to (that is, within 3.66m) and within the highway (including under and over) and gain any appropriate licences, prior to the commencement of any construction works. The applicant is further advised that they must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience to avoid delay.
3. The paving proposed as part of this application lie within an area that is currently part of Highway Authority land. The area of about 1m frontage of the site would need to be stopped up, via an s247 (TCPA 1990) application. The area to be stopped up must not protrude beyond an area directly in line with the existing highway boundary to link with the adjacent properties on either side of the application site.

2. SITE LOCATION

- 2.1. The application site comprises a two-storey terraced-over-basement property on the southern side of Blatchington Road, the ground floor of which is currently a vacant shop unit with ancillary basement areas. The first floor is in residential use as a separate planning unit. The site is not listed, and it is not within a conservation area, although it is noted that it is adjacent to the Old Hove Conservation Area. It is also noted that there are no Article 4 Directions covering the site that would restrict this change or use or external alterations.

3. RELEVANT HISTORY

- 3.1. **BH2021/01750** - Prior approval for change of use of ground floor and basement retail unit (A1) to two bedroom maisonette (C3) with associated alterations to shopfront and rear fenestration. Prior Approval Required Approved 08.07.2021

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission to change the use of the building to a single dwelling house (C3) from a retail unit over the lower ground/ground floors (Class E) and a one-bedroom flat (C3) at first floor. The application also seeks alterations to the shopfront including removal of a doorway and new paving on the adjacent pavement. At the rear permission is sought for revised fenestration and landscaping to the rear garden.
- 4.2. The application has been amended to remove the cycle parking and railings to the front and set the steps back so they do not protrude onto the highway. The red line for the application has been amended to reflect the proposed paving beyond the shop front.

5. REPRESENTATIONS

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

- Good design
- Shopfront design is fitting for the historic setting
- Creation of a whole house/family sized dwelling
- Residential Amenity
- Renovates a derelict adult shop
- Eco-features
- Fits in well with the mixed commercial residential nature of Blatchington Road
- Applicant made an effort to discuss proposals with neighbours
- Applicant is passionate about redeveloping the property
- Proposal for the garden is welcome
- Good to see investment in this part of Hove
- Family Home/house rather than flats
- Complies with NPPF policies and local supplementary planning documents
- Improvement to street scene and visual amenity

5.2. A comment has been received from the **National Federation of Builders** which supports the application for the following reasons:

- Fits with building line
- Reuse of brownfield land
- Maintains prevailing character
- Meets identified housing needs and redevelops an underutilised building
- Converts an existing building
- Likely to result in employment opportunities for local due to small scale and complex nature of some aspects of the proposals.

6. CONSULTATIONS

6.1. **Economic Development:** No comments to make

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

6.3. **Housing Strategy:** No comment received

6.4. **Planning Policy:** No objection

The proposal for 8 Blatchington Road, which is currently a vacant retail unit at ground floor and basement level with a self-contained flat at first floor level, is seeking to change use to a single dwellinghouse, with associated external alterations. The site is found within the Hove Town Centre area and adjacent to the Old Hove Conservation Area. Prior Approval was granted on 8 July 2021 for change of use of the ground floor and basement retail unit to a two-bedroom maisonette with associated alterations to shopfront and rear fenestration.

- 6.5. The proposal would result in the loss of retail floorspace in Hove Town Centre and Saved Local Plan Policy SR5, CPP1 Policy CP4 and CPP2 Policy DM12 would therefore apply. No marketing information has been submitted to support the application or details of how long the unit has been vacant. However, the granted Prior Approval is a material consideration in the determination of the application as the use of the ground and lower ground floors can be changed from Class E to residential irrespective of the outcome of this planning application. No objection is therefore raised in this instance.
- 6.6. The proposal would not result in the net loss of any residential units, but result in a larger, single dwellinghouse with private garden.
- 6.7. **Private Sector Housing:** No comments to make
- 6.8. **Sustainable Transport - Verbal Comment:** No objection
The Highway Terrier shows that the cycle parking as proposed and the steps to the property are proposed on Highway land - highways own the land up to the shopfront. Highways would not normally allow for stairs or cycle parking to be installed on highway land. This would be subject to separate agreements.
- 6.9. The proposed cycle parking shown resembles that typically installed for 'short-stay' visitor parking, the submitted design is not supported for long stay residential parking. However, it is noted that the site is constrained owing to limited frontage and that were cycle parking to be provided in the enclosed rear, this would not be policy compliant (SPD14) as this would not be easily accessible or convenient as internal stairs would need to be navigated to get to the lower ground level garden. Therefore the site is considered to be too constrained and cycle parking is not insisted upon on this occasion. In terms of trip generation it is considered that the change is likely to be insignificant in terms of trips to and from the site for the proposed residential use.
- 6.10. It is noted that there is no car parking proposed as part of the application and that the site is located within Controlled Parking Zone (CPZ) N. Future residents would need to apply to the Council's parking team to obtain a parking permit or join a waiting list if all permits are issued. For visitors, there are on-street parking bays which visitors to the development could use for a fee.

7. MATERIAL CONSIDERATIONS

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

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

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| CP1 | Housing delivery |
| CP4 | Retail provision |
| CP8 | Sustainable Buildings |
| CP9 | Sustainable Transport |
| CP10 | Biodiversity |
| CP12 | Urban Design |
| CP13 | Public Streets and spaces |
| CP19 | Housing Mix |

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

| | |
|------|---|
| TR7 | Safe development |
| TR14 | Cycle access and parking |
| SU10 | Noise nuisance |
| QD5 | Design - street frontages |
| QD10 | Shop Fronts |
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity |
| HO5 | Provision of private amenity space in residential development |
| SR5 | Town and district shopping centres |

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, Accommodation and Community |
| DM12 | Primary, Secondary and Local Centre Shopping Frontages |
| DM20 | Protection of Amenity |
| DM21 | Extensions and alterations |
| DM23 | Shop Fronts |
| DM33 | Safe, Sustainable and Active Travel |

| | |
|------|---|
| DM36 | Parking and Servicing |
| DM37 | Green Infrastructure and Nature Conservation |
| DM40 | Protection of the Environment and Health - Pollution and Nuisance |
| DM44 | Energy Efficiency and Renewables |

Supplementary Planning Documents:

SPD02 Shopfronts

SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the loss of the separate residential unit and retail unit and provision of a single dwelling in their place, the design and appearance of the external alterations, the proposed standard of accommodation, the impact of the proposals on neighbour amenity transport matters, sustainability and biodiversity.

Principle of Development:

- 9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The proposed dwelling would occupy the whole building, currently the building is a mix of uses with a one bedroom residential flat on the first floor (compliant with space standards) and a separate vacant retail unit on the ground and lower ground floor.

- 9.7. The Planning Policy Team have acknowledged that there is an extant prior approval permission (BH2021/01750) for the change of use from retail to residential on the site. This is a significant material consideration and as such they do not object to the application.
- 9.8. Notwithstanding the loss of retail provision, there are various shops within the vicinity and local residents will still be able to access goods and services usually provides by a Class E unit within the locality.
- 9.9. The proposal would also provide a single dwellinghouse with garden and overall the principle of development is supported.

Design and Appearance:

- 9.10. The application site currently has a retail frontage with an entrance to the shop unit and a separate entrance to the existing residential above. There are no changes to the openings at first floor level on the front elevation.
- 9.11. At ground floor level, the applicant is proposing to restore the current shopfront to a more traditional appearance, including uncovering boarded up features within the existing shopfront. The entrance to the proposed dwelling would also be altered, some steps would be added to allow the existing entrance door to the separate residence to be slightly elevated and be retained as the access to the dwelling. There would also be a fanlight above this door. The entrance to the shop would be removed from the frontage and a larger shop window would take prime place in the frontage. It is also understood that a historic sign would be installed to the retained fascia board. The proposals also show a window extending down to ground floor level to provide light through to a set back window serving the proposed basement lounge.
- 9.12. As initially submitted the plans included cycle parking to the pavement in front of the building, front steps and a paved area which was to be partitioned from the street by railings. This was considered harmful to character of the street and noted as an obstruction on the pavement. The cycle parking and railings have been removed along with external steps which protruded onto the pavement. These alterations ensure that views to the restored shopfront are not obstructed and a sense of openness to the street frontage is retained. The proposed paving outside the front of the property is considered to be acceptable in design terms.
- 9.13. To the rear of the proposed dwellinghouse changes in fenestration are proposed to facilitate the residential layout within. At lower ground floor the rear small window is removed, and a larger opening made to facilitate bi-folding doors to the lounge and the window to the outrigger is removed at lower ground floor level. In place of this lower ground floor window an air source heat pump is proposed.
- 9.14. At ground floor a partially boarded up window will be opened up to the full extent of the existing opening. The existing door at ground floor level with side window is to be removed and a new opening for French doors with a balcony is proposed. The balcony is similar to the existing platform at the top of the existing steps. The steps currently providing access to the garden from this level are to

be removed and access is from the lower ground floor. There are no alterations to the rear openings at first floor level. The application form states that all windows and doors will be timber and painted white to match existing.

- 9.15. Overall, the proposed alterations to the building will visually improve the shopfront whilst still allowing the historical function of the shop to be read within the streetscene. The proposed fenestration changes at the rear and the removal of one of the front entrances also improve the overall appearance and character of the building as a residence with a commercial past. The development is considered to be in accordance with policies QD10 and QD14 of the Local Plan, policy CP12 of the City Plan Part One and emerging policies DM21 and DM23 which can be afforded significant weight.

Standard of Accommodation:

- 9.16. 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 & Hove City Plan, policy DM1 of CPP2 proposes to adopt them and can now be given significant and greater weight respectively.
- 9.17. The proposed dwelling would be over basement, ground and first floors and have an overall internal floor area of approximately 165sqm. There is no comparable standard for a three storey, two-bedroom, four-person dwelling in the NDSS but the two-storey minimum is 79sqm, the proposed floor area is double this minimum.
- 9.18. In terms of living areas there would be the lounge (42.4sqm) in the basement or the dining room (33.2sqm) at ground floor level. The kitchen, also ground floor, would be on the small size, 9.6sqm, relative to the overall internal area but as there is ample dining and living space this is considered acceptable. Bathrooms would be located within the existing rear outrigger at lower ground and first floor, providing convenient access from all levels.
- 9.19. In terms of the bedrooms both are proposed as doubles (23.6sqm & 12sqm) and would provide adequate spaces for occupants to move around once the rooms are furnished with standard furniture (bed, desk/dressing table, chair and storage furniture).
- 9.20. The bedrooms would have good access to natural light and ventilation from the existing and proposed window and door openings. There would also be reasonable outlook from all habitable rooms. It is noted that being at basement level the lounge will naturally have a gloomier appearance than rooms at ground floor and above but with the inset window to the front of the space and the bifold doors to the rear it is considered that this would not be detrimental to the amenity of future occupiers.
- 9.21. As noted above and on the plans the development proposed a rear garden for the dwelling which is appropriate for the size and character of the dwelling and the town centre location. Therefore, it is considered in accordance with policy HO5 in respect of outdoor private amenity space.

9.22. Overall, it is considered that the development of a two-bedroom, four-person dwelling would achieve a standard of amenity for future occupiers that is in accordance with policies QD27 and H05 of the Local Plan and paragraph 130F of the NPPF. It is also considered that the proposals meet the standards set out to be adopted in City plan part Two policy DM1 which can be afforded significant weight.

Impact on Amenity:

9.23. 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.

9.24. The proposed redevelopment of the entire building into a single dwellinghouse would be consistent with the mix of commercial and residential uses within Blatchington Road and particularly at this end. The use of the building as a residence is not expected to cause a nuisance to neighbouring residents or businesses. It is also noted that the first floor has been in residential use for some time, and this has not been a cause for concern in terms of amenity. The proposed air source heat pump is not expected to generate the level of noise or disturbance that would amount to harm to residential amenity.

9.25. Accordingly, the development is considered to be in accordance with Local Plan policy QD27 and emerging policy DM20 of the City Plan Part Two.

Sustainable Transport:

9.26. The site is located within the Key Public Transport Corridor, with easy access to buses going all over the city from just east of the site along Blatchington Road. Hove Station is also a few minutes' walk to the north. It is also noted that there are Bikeshare and Car Club facilities within easy reach of the site, further increasing travel choice for future occupiers away from personal vehicles.

9.27. As noted above, the application originally proposed works adjacent to the frontage to provide cycle parking, the Highway Authority noted that this was on Local Highway Authority land and that the cycle parking provision was not suitable for long stay residential use, but instead more in line with what is expected for short-stay visitor cycle parking. These elements were then removed, and it was concluded that as the only suitable space for cycle parking is at the rear in the garden the site is too constrained. Cycle parking at the rear is also not something which would be supported due to having to navigate through the dwelling and up and down internal staircases.

9.28. It is noted that there is no car parking proposed as part of the application and that the site is located within Controlled Parking Zone (CPZ) N. Future residents would need to apply to the Council's parking team to obtain a parking permit or join a waiting list if all permits are issued. For visitors, there are on-street parking bays which visitors to the development could use for a fee.

- 9.29. There is no objection to the proposed paving to the front of the property on highway safety grounds although it is noted that works could not be carried out without formal permission from the Local Highway Authority which would need to be obtained outside the planning process.
- 9.30. Accordingly, the development is acceptable in relation to transport matters and given the constraints and opportunities for active/sustainable travel is in accordance with polices TR7 and TR14 of the Local Plan. The development is also considered to be in accordance with emerging development plan polices DM33 and DM36 within City Plan Part Two which can be given significant weight.

Biodiversity and Sustainability:

- 9.31. The application proposes to enhance the existing rear garden to provide an area of lawn and flowerbeds. This will provide some welcome "green" aspects to the development. A condition is recommended to ensure that the landscaping will be appropriate and ecologically beneficial. No extensions are proposed in this instance, so it is not considered appropriate to seek inclusion of a bee brick to improve ecological outcomes, even though this may be possible with the fenestration alterations.
- 9.32. The planning statement suggests that the development will allow for the building to be upgraded to meet current building regulations which require high standards of water and energy efficiency. As the dwelling is not a new dwelling, but the result of a conversion, it is not appropriate to require the objectives of CP8 to be met by condition, but it is acknowledged that this may be achieved through other regulation, still resulting in a sustainability benefit.
- 9.33. Finally, the proposal includes the addition of an air source heat pump (ASHP) is a benefit to the energy efficiency and sustainability credentials of the development in accordance with emerging policy DM44 which can be afforded limited weight.

Conclusion:

- 9.34. Whilst the loss of the retail unit is regrettable the proposal would create a family dwelling with garden within a sustainable location. The improvements to the shopfront would make a positive contribution to the appearance and character of the property. The proposed dwelling would benefit from a high standard of accommodation for future occupiers and would include a number of sustainability improvements.

10. EQUALITIES

- 10.1. As above the access to the property is altered and is now via front steps, this may prevent some individuals who are less mobile from accessing the site. However, it is noted that a handrail could be fitted which may improve accessibility for some. Furthermore, it is noted that some retrofitting/adaptions to the development could be done internally to meet an individual's needs despite the dwelling being over multiple levels.

11. CLIMATE CHANGE/BIODIVERSITY

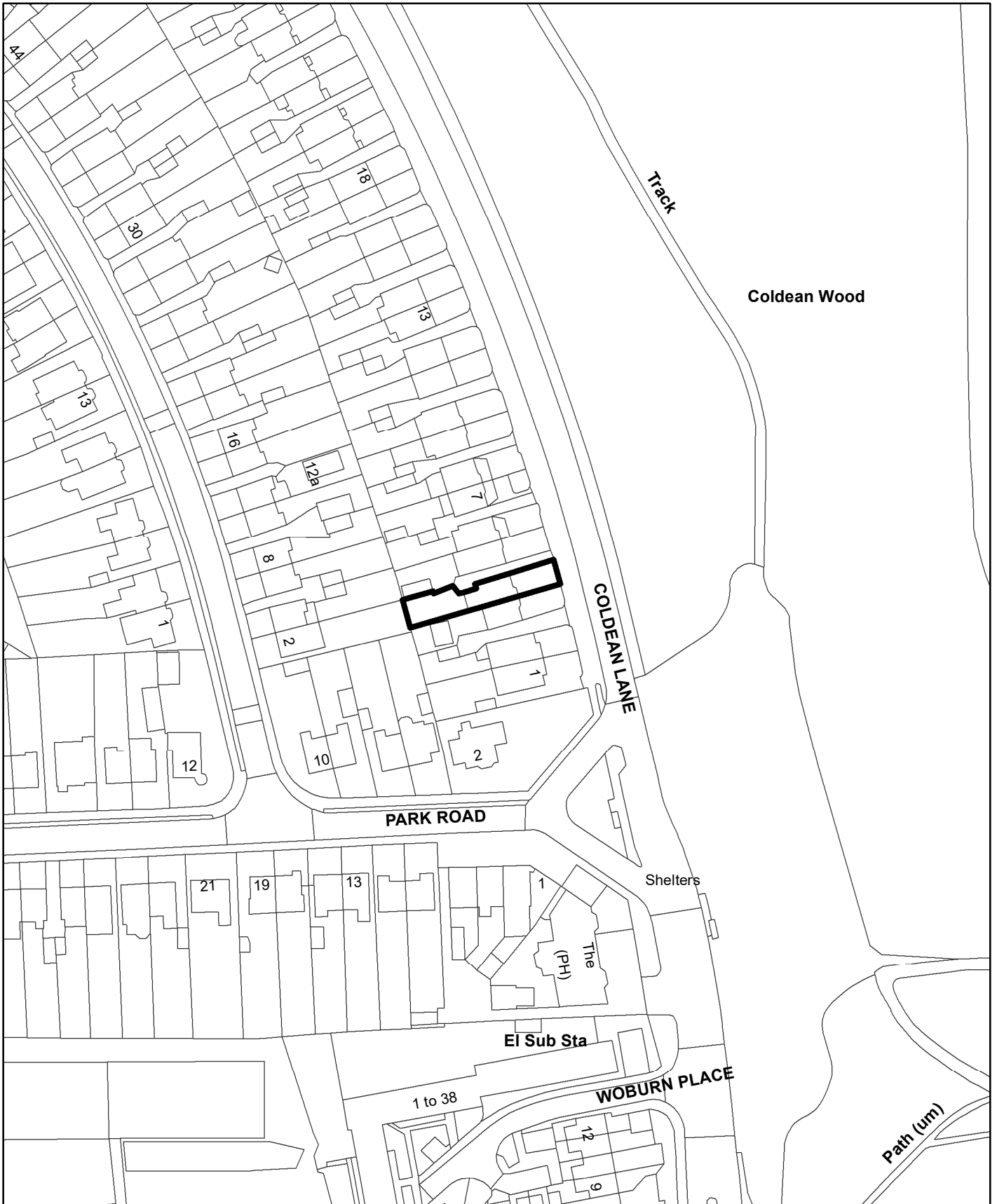
- The development is in a sustainable location in term so access to travel options and local facilities/services for daily living.
- The proposal is redevelopment of brownfield land and modernises an existing building.
- The plans include installation of an air source heat pump.
- Windows will be double or triple glazed.

ITEM J

**4 Coldean Lane
BH2021/01814
Full Planning**

DATE OF COMMITTEE: 1st December 2021

BH2021 01814 - 4 Coldean Lane



N



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|-------------------------------------|
| <u>No:</u> | BH2021/01814 | <u>Ward:</u> | Hollingdean And Stanmer Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 4 Coldean Lane Brighton BN1 9GD | | |
| <u>Proposal:</u> | Change of use from residential (C3) to mixed use residential and hot food takeaway (Sui Generis). (Retrospective) | | |
| <u>Officer:</u> | Joanne Doyle, tel: 292198 | <u>Valid Date:</u> | 17.05.2021 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 12.07.2021 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Whaleback Planning & Design Whaleback Planning & Design The Old Bank 257 New Church Road Hove BN3 4EE | | |
| <u>Applicant:</u> | The Cambodia Kitchen 4 Coldean Lane Brighton BN1 9GD | | |

1. RECOMMENDATION

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

1. The hot food takeaway set in a residential setting, would conflict with the residential character of the immediate area, result in an incongruous addition to the residential setting and an awkward mixture of uses, result in harm to neighbouring amenity due to the disturbance associated with the comings and goings and result in Highway Safety concerns, contrary to policies TR7, SU10 and QD27 of the Brighton and Hove Local Plan, policy CP9 of City Plan Part One and DM20, DM33 and DM40 of the Submission 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 |
|------------------|------------------|----------------|----------------------|
| Location Plan | - | - | 17 May 2021 |
| Block Plan | - | - | 17 May 2021 |
| Report/Statement | - | - | 17 May 2021 |
| Report/Statement | Management Plan | - | 17 August 2021 |

2. SITE LOCATION

- 2.1. The application site relates to land to the front of no. 4 Coledean Lane, specifically the drive way of a semi-detached property located on the western side of Coldean Lane.

3. RELEVANT HISTORY

No.4 Coledean Lane

- 3.1. **ENF2021/00122:** Unauthorised A5 fast food takeaway business at 4 Coldean Lane Brighton. March 2021.

Field End, Greenways

- 3.2. **BH2017/03966-** Change of use from dwelling house (C3) to mixed use dwellinghouse and hot food takeaway within the garage including erection of external pizza oven. Refused 31.01.2019

- 3.3. Appeal Allowed
(APP/Q1445/W/19/3234376)

The Hames, Ovingdean Road

- 3.4. **BH2017/02197 -** Change of use from residential garage (C3) to hot food takeaway (A5) with food preparation (Retrospective). Refused 29.08.2017.

- 3.5. Appeal Dismissed
(APP/Q1445/W/17/3187835)

4. APPLICATION DESCRIPTION

- 4.1. The application seeks a change of use of land to the front of no. 4 Coledean Lane from residential (C3) to mixed use residential and hot food takeaway (Sui Generis).

- 4.2. The application is retrospective and follows an enforcement investigation for the unauthorised stationing of a fast-food takeaway business (food trailer) to the front of no. 4 Coldean Lane. As existing, the site is operating the unauthorised commercial business for four days a week, between the hours of 16.00-21.00. The business is operating as a collection only service.

5. REPRESENTATIONS

- 5.1. **Eight (8)** letters of representation have been received objecting to the proposal for the following reasons:
- Unfair competition
 - Set a precedent
 - Example of another takeaway not the same context
 - Already established shops
 - Traffic and parking issues

- Dangerous traffic and issues
- Out of character
- Already a rundown area
- Detrimental impact
- Smells and fumes impact
- Restrictive covenants prohibiting trade
- Rubbish and recycling
- Noise and disturbance
- Enough food establishments in area
- Doesn't meet the definition of sustainable growth
- Liable for non domestic rates
- Inaccuracies in submission

5.2. **Fourteen (14)** letters of representation have been received in support of the proposal for the following reasons:

- Local enterprise
- Affordable
- Nice, friendly
- Well run
- Delicious food
- Support a family business
- Accessible parking
- Asset to the local area
- Good design
- Quiet
- Cars already parked on pavement

6. CONSULTATIONS

6.1. **Sustainable Transport:** Objection

Verbal comment - Unable to recommend approval of this application for the following reasons: parking issues and safety concerns.

6.2. **Environmental Health:** No objection

No objection subject to recommended conditions.

6.3. **Police:** Comment

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 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 |
| CP2 | Sustainable economic development |
| CP3 | Employment land |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP12 | Urban design |
| CP18 | Healthy city |

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

| | |
|------|--------------------------------|
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU9 | Pollution and nuisance control |
| SU10 | Noise Nuisance |
| QD27 | Protection of amenity |

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.

| | |
|------|---|
| DM20 | Protection of Amenity |
| DM33 | Safe, Sustainable and Active Travel |
| 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 relate to the principle of the change of use, the impact upon neighbouring amenity, and sustainable transport issues.

Principle of Development/Design and Appearance:

- 9.2. Retrospective permission is sought for the change of use of land to the front of no. 4 Coledean Lane from residential (C3) to mixed use residential and hot food takeaway (Sui Generis).
- 9.3. The application is located on Coldean Lane which is a residential area and in close proximity to the Sussex University Campus. The application site relates to the front hardstanding of a residential property surrounded by residential uses and with no commercial uses within the immediate area. There are no commercial food takeaways within the immediate area and although there are commercial uses, these are located within a parade of commercial shops at Park Road to the south of the site.
- 9.4. The proposed change of use would result in the addition of a commercial business in this location which is likely to conflict with the established residential character within the immediate area and is considered to be out of character in the immediate context. The siting of a fast food trailer to the front of the property would be an incongruous addition to the residential setting and could set a precedent for further fast food trailers to the front of the properties along Coldean Lane. Whilst this type of use may be acceptable within, or in the context of a parade of shops, where the mixture of residential and commercial uses and the associated character is established, the proposal of a commercial use of this nature on a residential plot is considered an awkward and inappropriate mixture of uses. The proposal is therefore not considered appropriate and is unacceptable in principle.
- 9.5. The application has made reference to an approved scheme for The Wild Flour Pizza located in Ovingdean which was approved on appeal and granted permission for a residential and takeaway use on the site (BH2017/03966). The Planning Inspectorate in their assessment of that application considered that, 'I do not conclude that the proposal would result in an awkward mix of uses or have harmful impacts to the living conditions of those living at Field End or other neighbouring properties in the area, from what is a small scale business with opening times limited to only three evenings a week' and that, 'having a small takeaway in a residential setting is not particularly uncommon'. This previous application was assessed on its own merits and the conclusions of the Planning Inspectorate do not necessarily result in all applications of this nature being approved. It is also clear that the Wild Flour Pizza application is not comparable to the application site in context. The site at Field End, Greenways relates to a detached property with an adjoining garage and outbuilding, with the hot food takeaway operating from the garage. This is in contrast to the operation of a takeaway service to the front of a semi-detached property and close to the adjoining residential properties along this stretch of Coldean Lane. Whilst

acknowledged, the approval at The Wild Flour Pizza located in Ovingdean does not set a precedent for hot food trailers to be approved in all residential settings.

Impact on Neighbouring Amenity:

- 9.6. 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.
- 9.7. 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.
- 9.8. The scheme is likely to generate the potential for noise and disturbance from comings and goings from customers, particularly given that the application property is a semi-detached property so effectively the disturbance would be immediately outside the property adjoining.
- 9.9. The proposal is a commercial operation beyond the scale of what could be expected in a residential front hardstanding. The food outlet operates for four nights a week in the evenings and whilst it is acknowledged that the proposed use would be fairly low-key in terms of operational hours, the disturbance associated with the customers and operation proposed use would still remain. The activity would be particularly noticeable given the context of the site, forming the front hardstanding of a pair of semi detached properties set in a row of residential dwellings along Coldean Lane. Even if the collection times were managed through the submitted Management Plan, or with allocated time slots, this would be problematic to be enforced through the planning system.
- 9.10. The Environmental Health Officer has commented that provided the hours of operation are conditioned they do not object to the scheme, and whilst odour impacts could be mitigated, the concentrated comings and goings cannot, and the scheme is not supported by the Local Planning Authority partly for these fundamental reasons.
- 9.11. For the reasons outlined above, the scheme would result in harm to neighbouring amenity which warrants the refusal of planning permission on these grounds, contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan and DM20 and DM40 of of CPP2 which can be given significant weight.

Sustainable Transport:

- 9.12. The Highways Officer has raised a number of concerns regarding the operation of the food outlet and is therefore unable to support the proposal given the parking issues and safety concerns.
- 9.13. The submission indicates that there would be no deliveries made to or from the site with the owners of the trailer purchasing the food from a wholesaler. The applicant states that the householders park their vehicles to the west of the trailer

leaving customers the space to access the trailer when collecting food. The applicant states that there is an average of 1-2 customers per hour visiting the trailer by car of which they either park on the pavement or in the surrounding area.

- 9.14. The Highways Officer has raised concern that the customer parking which is proposed on the footway and dropped kerb cannot be supported as the footway has not been designed or enforced for vehicle use. It is also unclear if the proposed residential parking layout can be achieved as the access is on private land. The proposed parking on the pavement in combination with the residential parking and footway pedestrian users would result in unsafe access to the site. If planning permission were otherwise recommended for approval consideration would be given to implementing 'No Waiting' provisions to prohibit such parking. The proposal therefore does not provide policy compliant parking and would result in safety concerns, contrary to policies TR7 of the Brighton and Hove Local Plan, CP9 of the City Plan Part One and DM33 of CPP2 which can be given significant weight.

Conclusion:

- 9.15. As identified above, the proposed use would be fairly low-key in terms of operational hours and there would also likely be some benefits of such a use with a number of letters of support for the proposal, however the benefits are not considered to outweigh the identified issues detailed above. The proposal for a hot food takeaway on a residential site would conflict with the residential character of the immediate area, would result in an incongruous addition to the residential setting, would result in harm to neighbouring amenity due to the disturbance associated with the comings and goings and the proposal does not provide policy compliant parking and would result in safety concerns related to the safe operation of the highway.

- 10. EQUALITIES**
None identified.

11. CLIMATE CHANGE/BIODIVERSITY

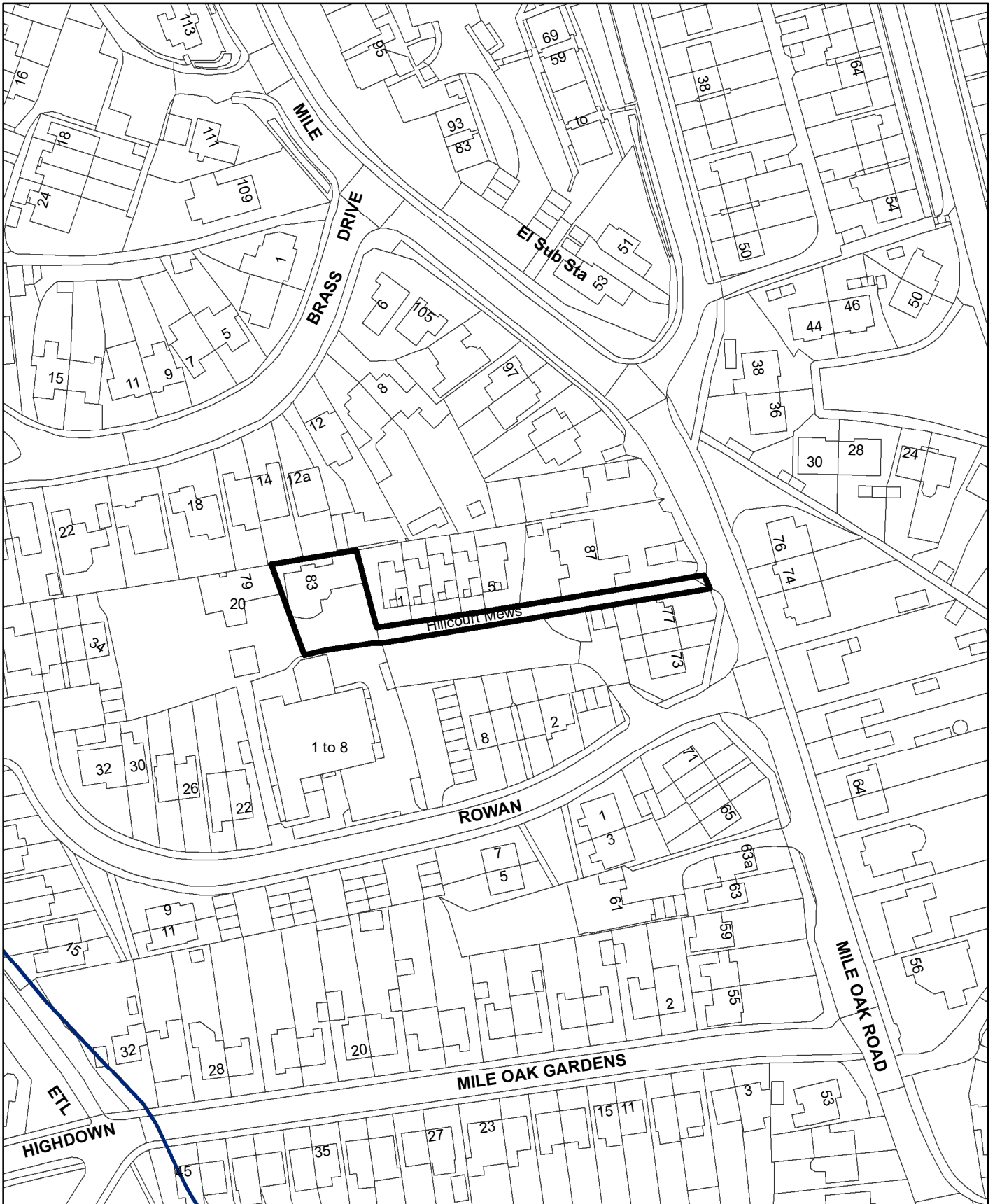
- 11.1. The site is served by public transport, and customers could access the site by foot, which could reduce reliance on cars.

ITEM K

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

DATE OF COMMITTEE: 1st December 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 |
| <u>Agent:</u> | Arki-Tec Plans 87A Mile Ook Road Portslade Brighton BN41 2PJ | | |
| <u>Applicant:</u> | Sharon Drewett Paget Henfield Road Small Dole BN5 9XH | | |

This application was deferred from Committee on the 6th October & 3rd November to allow further consultation of the application.

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. **One (1)** 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. 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 |
| 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 |

9. CONSIDERATIONS & ASSESSMENT

- 9.1. 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

- 9.2. 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."

- 9.3. 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

- 9.4. 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.
- 9.5. 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.

- 9.6. 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.
- 9.7. The townhouses on Hillcourt Mews are also at a sufficient separation distance that impacts resulting from increased overshadowing or enclosure would be limited.
- 9.8. 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.
- 9.9. All other openings are in a location that would give rise to limited impacts by way of visual intrusion.
- 9.10. 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.
- 9.11. 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

- 9.12. 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."*

9.13. 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.

9.14. 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

9.15. 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

9.16. 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.

10. COMMUNITY INFRASTRUCTURE LEVY

10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The 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.

11. EQUALITIES
None identified

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The works would modernise and refurbish the existing building. A bee brick would be secured by condition.

PLANNING COMMITTEE

Agenda Item 58

Brighton & Hove City Council

NEW APPEALS RECEIVED 07/10/2021 - 03/11/2021

WARD

GOLDSMID

APPEALAPPNUMBER

ADDRESS

63-65 The Drive Hove BN3 3PF

DEVELOPMENT DESCRIPTION

Appeal against

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

28/10/2021

APPLICATION DECISION LEVEL

Not Assigned

WARD

WISH

APPEALAPPNUMBER

BH2020/03631

ADDRESS

93 St Leonards Road Hove BN3 4QQ

DEVELOPMENT DESCRIPTION

Conversion of 2no self-contained flats and former chiropody surgery room into 3no self-contained flats (C3) (part retrospective) and erection of car port (retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

13/10/2021

APPLICATION DECISION LEVEL

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 60

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 20/10/2021 AND 16/11/2021

| | |
|---|--|
| <u>WARD</u> | BRUNSWICK AND ADELAIDE |
| <u>APPEAL APPLICATION NUMBER</u> | APL2021/00071 |
| <u>ADDRESS</u> | Flat 5, 22 Palmeira Square Hove BN3 2JN |
| <u>DEVELOPMENT DESCRIPTION</u> | Internal alterations to second floor hallway to provide separate entrance for flat 5. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2021/00080 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | CENTRAL HOVE |
| <u>APPEAL APPLICATION NUMBER</u> | APL2021/00062 |
| <u>ADDRESS</u> | First Floor, 43 Connaught Terrace Hove BN3 3YW |
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of single storey first floor rear extension incorporating a recessed Juliet balcony. (Part retrospective) |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2020/02381 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | HANGLETON AND KNOLL |
| <u>APPEAL APPLICATION NUMBER</u> | APL2021/00076 |
| <u>ADDRESS</u> | 20 Hardwick Way Hove BN3 8BQ |
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of single storey outbuilding at rear. (Part Retrospective) |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2021/00660 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | HANGLETON AND KNOLL |
| <u>APPEAL APPLICATION NUMBER</u> | APL2021/00077 |
| <u>ADDRESS</u> | 32 St Helens Crescent Hove BN3 8EP |

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| <u>DEVELOPMENT DESCRIPTION</u> | Erection of a part single storey, part two storey rear extension, revised fenestration, landscaping to rear garden and associated works. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL ALLOWED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2021/00563 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

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| <u>WARD</u> | HOVE PARK |
| <u>APPEAL APPLICATION NUMBER</u> | APL2021/00074 |
| <u>ADDRESS</u> | 219 Nevill Road Hove BN3 7QP |
| <u>DEVELOPMENT DESCRIPTION</u> | Terracing of rear garden including new retaining wall fronting Goldstone Way, new raised patios and levelling of grass area. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2021/01012 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

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| <u>WARD</u> | MOULSECOOMB AND BEVENDEAN |
| <u>APPEAL APPLICATION NUMBER</u> | APL2021/00058 |
| <u>ADDRESS</u> | 9 Hornby Road Brighton BN2 4JL |
| <u>DEVELOPMENT DESCRIPTION</u> | Change of use from six bedroom small house in multiple occupation (C4) to eight bedroom large house in multiple occupation (Sui Generis) incorporating erection of single storey rear extension. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL ALLOWED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2020/02841 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

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| <u>WARD</u> | MOULSECOOMB AND BEVENDEAN |
| <u>APPEAL APPLICATION NUMBER</u> | APL2021/00061 |
| <u>ADDRESS</u> | 148 Bevendean Crescent Brighton BN2 4RD |
| <u>DEVELOPMENT DESCRIPTION</u> | Change of Use from residential dwelling (C3) to six bedroom small house in multiple occupation (C4) incorporating erection of single storey rear extension (part retrospective) |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL ALLOWED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2020/01887 |

APPLICATION DECISION LEVEL Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEAL APPLICATION NUMBER

APL2021/00065

ADDRESS

14 Ringmer Road Brighton BN1 9JA

DEVELOPMENT DESCRIPTION

Change of use from existing 6no bedroom small house in multiple occupation (C4) to an 8no bedroom large house in multiple occupation (sui generis)

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/02302

APPLICATION DECISION LEVEL

Delegated

WARD

REGENCY

APPEAL APPLICATION NUMBER

APL2021/00078

ADDRESS

20A - 22 West Street Brighton BN1 2RE

DEVELOPMENT DESCRIPTION

Display of 1no internally illuminated LED digital screen sign.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/00023

APPLICATION DECISION LEVEL

Delegated

WARD

ROTTINGDEAN COASTAL

APPEAL APPLICATION NUMBER

APL2020/00164

ADDRESS

Land At Brighton Marina Comprising Outer Harbour, Western Breakwater And Adjoining Land Brighton Marina Brighton

DEVELOPMENT DESCRIPTION

Hybrid planning application for the phased residential-led mixed-use development of Brighton Marina Outer Harbour. Full Planning Permission for Phase Two of the development comprises: 480no residential units (C3) in 3 buildings ranging from 9-28 storeys plus plant levels, 761 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), works to existing cofferdam, undercroft car and cycle parking, servicing, landscaping, public realm works, and infrastructure (harbour wall) works. Outline Planning Permission (all matters reserved apart from access) for Phase Three of the development comprises: up to 520no residential units (C3) in 6 buildings ranging from 8-19 storeys, up to 800 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), construction of engineered basement structure to create a raised podium deck over Spending Beach, installation of Navigation Piles, undercroft car and cycle parking, servicing, landscaping and public realm works.

APPEAL TYPE

Against Non-determination

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/00964

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

ROTTINGDEAN COASTAL

APPEAL APPLICATION NUMBER

APL2021/00025

Summer House Land to The South Of 44 The

ADDRESS

Cliff Brighton BN2 5RE

DEVELOPMENT DESCRIPTION

Certificate of lawfulness for existing use as an independent single dwellinghouse (C3).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/02637

APPLICATION DECISION LEVEL

Delegated

WARD

ROTTINGDEAN COASTAL

APPEAL APPLICATION NUMBER

APL2021/00068

ADDRESS

Timbers the Green Rottingdean Brighton BN2 7HA

DEVELOPMENT DESCRIPTION

Erection of first floor rear extension.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2021/00667
APPLICATION DECISION LEVEL Delegated

WARD

ROTTINGDEAN COASTAL

APPEAL APPLICATION NUMBER APL2021/00069
ADDRESS Timbers the Green Rottingdean Brighton BN2 7HA
DEVELOPMENT DESCRIPTION Erection of first floor rear extension.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2021/00668
APPLICATION DECISION LEVEL Delegated

WARD

ST. PETER'S AND NORTH LAINE

APPEAL APPLICATION NUMBER APL2021/00053
ADDRESS 24A Gloucester Road Brighton BN1 4AQ
DEVELOPMENT DESCRIPTION Erection of a second floor side extension and conversion of existing flat on first & second floors (C3) to provide 2no two bedroom flats (C3) incorporating rooflights to east & west roof slopes, revised fenestration and associated works.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2020/02583
APPLICATION DECISION LEVEL Delegated

WARD

ST. PETER'S AND NORTH LAINE

APPEAL APPLICATION NUMBER APL2021/00066
ADDRESS First Floor, Flat 64 Warleigh Road Brighton BN1 4NS
DEVELOPMENT DESCRIPTION Installation of a rear roof terrace for maintenance incorporating new painted mild steel balustrade (retrospective).
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2020/03736
APPLICATION DECISION LEVEL Delegated

WARD

WITHDEAN

APPEAL APPLICATION NUMBER APL2021/00070
ADDRESS Stowford Withdean Road Brighton BN1 5BL

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| <u>DEVELOPMENT DESCRIPTION</u> | Variation of Condition 1 of application BH2017/03342 (Erection of two storey rear extension to create 5no residential units (1no 2 bed, 3no 1 bed and 1no studios) with associated parking. Removal of existing chimney.) to allow the substitution of the site plan. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2020/03455 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

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| <u>WARD</u> | WITHDEAN |
| <u>APPEAL APPLICATION NUMBER</u> | APL2021/00080 |
| <u>ADDRESS</u> | 20 Bavant Road Brighton BN1 6RD |
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of front boundary wall and 2no pillars. (Part Retrospective) |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2021/00916 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
