

Planning Committee

Date: **2 February 2022**

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

71 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.

72 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 12 January 2022 to be circulated separately.

73 CHAIR'S COMMUNICATIONS

74 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on Thursday 27 January 2022.

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

76 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 | BH2021/03511 - Court Farm, King George VI Avenue, Hove - Full Planning | 1 - 38 |
| B | BH2021/03011 - 186-187 Lewes Road, Brighton - Full Planning | 39 - 62 |
| C | BH2021/03525 - Land to the East of Coldean Lane, North of Varley Halls, South of A27 - Removal or Variation of Condition | 63 - 88 |

MINOR APPLICATIONS

- | | | |
|---|---|------------------|
| D | BH2021/03117 - 10 Roedean Crescent, Brighton - Full Planning | 89 - 106 |
| E | BH2021/01841 - 45 and 46 Trafalgar Street, Brighton - Full Planning | 107 - 124 |
| F | BH2021/03900 - Rockwater, Kingsway, Hove - Full Planning | 125 - 136 |

77 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

78 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **137 - 140**

(copy attached).

79 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

80 APPEAL DECISIONS

141 - 142

(copy attached).

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

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Shaun Hughes (email: shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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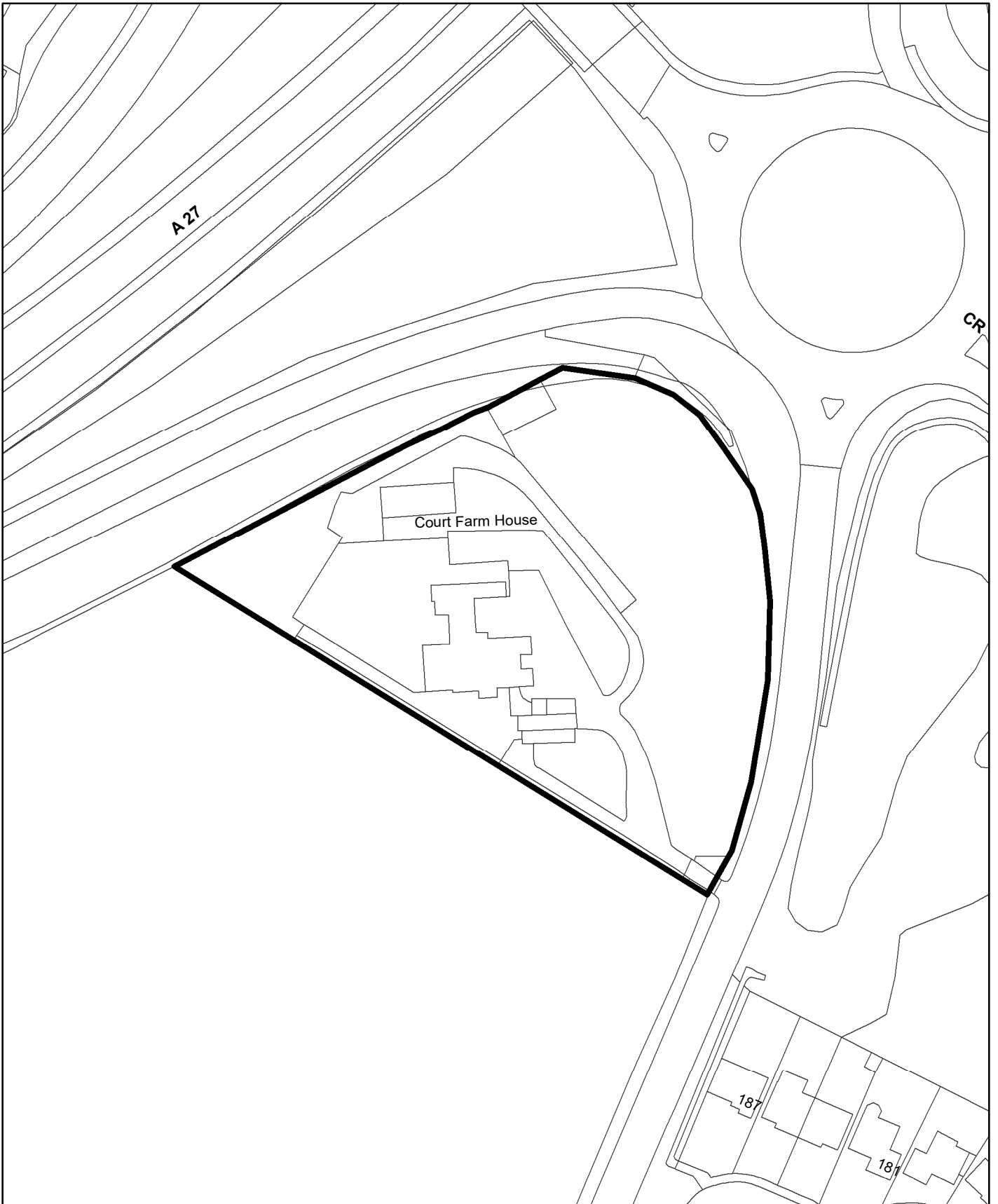
Date of Publication - Tuesday, 25 January 2022

ITEM A

**Court Farm, King George VI Avenue
BH2021/03511
Full Planning**

DATE OF COMMITTEE: 2nd February 2022

BH2021 03511 - Court Farm, King George VI Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2021/03511	<u>Ward:</u>	Hangleton And Knoll
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Court Farm King George VI Avenue Hove BN3 6XJ		
<u>Proposal:</u>	Demolition of existing buildings on site and erection of retail unit (Class E) with associated works including new access, car parking and landscaping. (For information: proposal is for 1895 sqm of gross floorspace, with 1315 retail floor space and 120 space car park).		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	30.09.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30.12.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Katia Clarke Planning Potential Ltd Magdalen House 148 Tooley Street London SE1 2TU		
<u>Applicant:</u>	Aldi Stores Ltd C/O Planning Potential Ltd		

1. RECOMMENDATION

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

Refusal Reasons:

1. The proposed development for a large-scale retail use is contrary to the objectives for, and requirements of, the strategic allocation of this site for a sustainable and mixed-use development to help meet the future needs of the city with ancillary supporting retail uses only. The proposal would also compromise the ability to make the most efficient and effective use of this strategic site for housing delivery to help meet the housing needs of the city. The proposal is therefore non-compliant with Policy DA7 of the Brighton & Hove City Plan Part One and SPD15.
2. The submitted Transport Assessment is not robust. Insufficient information has been provided in respect of travel forecasts / trip generation / cumulative impact with committed developments and the strategic allocation of the adjacent Toad's Hole Valley site to demonstrate that the proposal would have an acceptable impact on the road network and that future users would not be heavily reliant on the use of private cars. The proposal fails to provide adequate walking and cycling linkages to surrounding areas and would compromise the successful delivery of the strategic infrastructure necessary to enable sustainable delivery of the Court Farm and Toad's Hole Valley allocated sites. The proposal fails to enhance public transport accessibility. Insufficient information has been provided to adequately demonstrate that the proposal would not significantly compromise highway safety. The proposal

therefore fails to adequately address the demand for travel it creates and is contrary to Policies TR7 and TR15 of the Brighton & Hove Local Plan DA7, CP7, CP8, CP9, CP13 and CP18 of the Brighton & Hove City Plan Part One and DM33, DM35 and DM36 of the emerging Brighton & Hove City Plan Part Two as well as SPD14 and SPD15.

3. The proposal does not represent good quality design. The proposals do not successfully integrate with the verdant landscape character of the wider locality or that proposed for the adjacent Toad's Hole Valley site. The proposals are not a landscape-led design or exemplary in terms of sustainability. The proposals are dominated by built form and hardstanding and do not incorporate sufficient on-site soft landscaping or screening. The proposals fail to incorporate appropriate green / blue infrastructure features. The proposal fails to generate a sense of place or provide appropriate connections with its surroundings (including the Toad's Hole Valley site and South Downs National Park). The proposal is of an appearance, scale and materiality which is not contextually appropriate or reflective of the character and appearance of the wider area. The proposals are therefore contrary to Policies SU3, SU9, QD15 and QD16 of the Brighton & Hove Local Plan DA7, SA5, CP8, CP12 and CP13 of the Brighton & Hove City Plan Part One and DM18, DM22, DM40, DM42 and DM43 of the emerging Brighton & Hove City Plan Part Two as well as SPD06, SPD15, SPD16 and SPD17.
4. The proposal has failed to demonstrate that it would adequately preserve or enhance the biodiversity of the site and not have a harmful impact on hazel dormice and reptiles in particular. The proposal has not demonstrated that it incorporates sufficient on and off-site wildlife habitat or appropriate continuous connections to other adjacent habitats to maintain the favourable conservation status of these species. The cumulative and in combination effects of the proposals on the adjacent Toad's Hole Valley development site have also not been considered. The proposals are therefore contrary to Policies QD18 of the Brighton & Hove Local Plan DA7 and CP10 of the Brighton & Hove City Plan Part One and DM37 of the emerging Brighton & Hove City Plan Part Two as well as SPD11 and SPD15.
5. The proposals fail to adequately incorporate appropriate blue / green infrastructure such as nature-based sustainable drainage system (SuDS) and have not demonstrated that ground water sources would be adequately protected from pollutants. The proposal is therefore contrary to Policies SU3, SU9 and QD15 of the Brighton & Hove Local Plan DA7 and CP8 of the Brighton & Hove City Plan Part One and DM22, DM40, DM40 and DM43 of the emerging Brighton & Hove City Plan Part Two as well as SPD16 and SPD17.

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to land at Court Farm, which is to the south side of the roundabout connecting the A27, Devil's Dyke Road, Mill Road, Dyke Road Avenue and King George VI Avenue (A2038). It is on the western-most edge of the Withdean area of Brighton and to the north of Hove. Court Farm House and the associated garages / storage building on site have been demolished and the site has mostly been cleared.
- 2.2. The site extends to 0.97 hectares and is part of the larger Development Area DA7 (Toad's Hole Valley) and is surrounded by the Urban Fringe (SA4) Strategic Allocation. It is noted that an application for the remainder of the adjacent Toad's Hole Valley (THV) site has been submitted as per the relevant history section of this report.
- 2.3. The site is not within a conservation area, nor is it a listed building or in the vicinity of one. However, the site is subject to the Court Farm Article 4 direction (removing permitted development rights for the erection of barns, piggeries, buildings for the storage of animal feeding stuffs, poultry houses, cow sheds and buildings for housing agricultural plant and machinery). To the west, south east and south west of the site is extensive 20th century suburban housing. The South Downs National Park is located to the north and north-east of the site. The Woodland Drive Conservation Area is located to the north-east of the site across King George VI Avenue, including Three Cornered Copse.
- 2.4. The site is located within a Groundwater Source Protection Zone, the Built Up Area Boundary (where development of land may be acceptable in principle) and the Hangleton and Knoll Neighbourhood Area. Three Cornered Copse, a Local Wildlife Site (LWS) and a Site of Nature Conservation Interest (SNCI), is to the east and there is another SNCI to the north, Waterhall golf course. There is a SNCI to the west of the wider THV site, which is statutory open access land.

3. RELEVANT HISTORY

- 3.1. Pre-application advice (**PRE2020/00225**) was sought for the redevelopment of site to provide an Aldi foodstore and three retail / commercial units alongside access, parking and landscaping. Advice was issued on 9 December 2020 that the proposal was unlikely to be supported in principle, and that highway impacts, ecology, landscape, wider views and sustainability were key issues.
- 3.2. **BH2018/02982**: Part-retrospective application for demolition of existing buildings and erection of 2no three storey blocks and 2no part three part four storey blocks containing 69no one, two and three bedroom flats (C3) (including 28no affordable housing units) and associated car and cycle parking spaces, landscaping and altered site access arrangements. Withdrawn 20 July 2020

- 3.3. **BH2015/04182:** Demolition of existing buildings and erection of 2no three storey blocks (one with basement parking) and 2no part three part four storey blocks containing 69no one, two and three bedroom flats (C3) (including 28no affordable housing units). Provision of 107 parking spaces, (67no at basement level and 40no at surface level) and 132 cycle spaces with associated landscaping and altered site access arrangements. Granted 27 March 2017 (Note: permission now lapsed)
- 3.4. **BH2012/03446:** Demolition of existing buildings and construction of 5no two storey detached dwelling houses and a 58 bed space, part two and part three storey nursing home with associated landscaping and access works and provision of 28 new car parking spaces and 15 cycle spaces. Refused 11 April 2013, but appeal allowed 18 February 2014
- 3.5. **BH2004/01017/FP:** Demolition of existing stables and construction of new building for storage and vehicle garaging. Granted 14 May 2004
- 3.6. Adjacent site at Toads Hole Valley (THV):
- 3.7. **BH2018/03633:** Outline application for a mixed use development comprising residential dwellings (C3 use); land for a 6-form entry secondary school (D1 use)/community sports facilities (D2 use); office/research/light industry floorspace (B1 use); neighbourhood centre including retail outlets (A1-5 uses), a doctors' surgery (D1 use) & community building (D1 use); public open space (including food growing space & children's play space), enhancements and alterations to the Site of Nature Conservation Interest (SNCI); & associated landscaping. Provision of 3no. vehicular accesses onto King George VI Avenue (unreserved) with associated highway alterations. Under consideration

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing buildings on site and the erection of a retail unit (Class E) with associated works including new access, car parking and landscaping. The proposal is for 1895sqm of gross floorspace, with 1315sqm retail floorspace and 120 space car park).
- 4.2. The proposal includes vehicular and pedestrian access from King George VI Avenue, 24 electric changing points, three motorcycle and 16 bicycle parking spaces, an integrated service area at the rear of the site, the retention of trees and the provision of a green roof. The proposed building would be constructed in black brick and silver and anthracite metallic cladding panels with an aluminium canopy over the lobby and trolley bays.

5. REPRESENTATIONS

- 5.1. **Sixty (60) objections**, including from **Cycling UK, Brighton Swifts Group, The Regency Society and Hove Civic Society** were received. The following concerns were raised:
- 5.2. Transport / highways
- King George VI Avenue is already incredibly busy and incredibly difficult to cross so it will not be safe for pedestrians to access the site.
 - The access design is poor for north and southbound traffic
 - No sensible proposal to help with the additional traffic flow and road safety
 - Traffic profiling uses the already flawed calculations for the proposed Toads Hole Valley development and doesn't include Sackville Trading Estate.
 - Surveys taken to monitor traffic on King George VI Avenue were undertaken during Covid times.
 - Cyclists need safe, physically separated lanes adjacent to and on the site and the bus services in this area are not frequent or close enough.
 - The facilities for cycle parking are poor and don't include cargo or e-bikes.
 - It is contrary to NPPF paragraphs 110 (parts a and b) and 111.
 - Every pavement on the site and those leading to it should have a minimum width of 2m to allow two wheelchairs to pass each other.
 - An increase in motor traffic is counter to increase active, sustainable travel and access to the countryside.
 - Additional air pollution from the increase in motor traffic (and queues)
 - Disruption to residents in terms of delays to / additional time for journeys
- 5.3. Environment
- Negative impact all residents for absolutely no gain.
 - Noise, air, light and environmental pollution / damage, including an increase in the site's carbon footprint and rubbish.
- 5.4. Ecology and biodiversity
- If approved, the development would hinder the neighbouring Waterhall re-naturing project, which includes new walking and cycling routes.
 - Negativity impact on the ecology of the Three Cornered Copse
 - The biodiversity net gain at approx. 4% is too low given the new Environmental Act, which is now law, requires 10%.
 - 'Net gains' are not possible when building on an area thriving with protected species, such as badgers, hedgehogs, invertebrates and reptiles.
 - The proposal would also jeopardised dormice and butterfly habitats.
 - The development into an out-of-town supermarket would impose upon the site's ecological recovery / rewilding.
 - Relocating the dormice or reptiles to Three Copse would affect the balance of the ecosystem at that site
 - The appropriate number of swift bricks / boxes should be incorporated into the design of the development by condition to provide biodiversity enhancements.

Land use

- The site is not identified for retail in the City Plan or in SPD15.
- It is an unnecessary addition / there is no need another for supermarket
- Terrible use of land when leisure facilities are needed.
- Out of town shopping developments have proved to destroy the high street
- This supermarket would take trade away from the small shops planned in the Toads Hole Valley development.
- 50 employment places does not justify the proposal.
- There are alternative sites for a supermarket available on the Hollingbury industrial estate.

5.5. Impact on surrounds

- The proposal would jeopardise the successful development of the adjoining Toad's Hole Valley (THV) site.
- The proposal would have a significant impact on the surrounding area, including the Woodland Drive Conservation Area.
- It would block views northwards from Hove, specifically of and from the South Downs National Park, which would be blighted by this supermarket.

5.6. Design

- Overdevelopment
- A poor, ugly, generic Aldi design; a monstrous metal box at a prominent hilltop location. It would be visible for miles, especially at night.

5.7. Other

- Many criticisms made during the consultation exercise have not seriously been addressed in the application as submitted.
- Detrimental to property prices

5.8. **Two (2)** letters of support were received stating that there are quite a number of residents nearby who do not have a supermarket within an easy walk or cycle ride. Planning permission should be granted, subject to conditions ensuring prioritised pedestrian and cycle access (including for electric bicycle users) and pedestrian permeability between Aldi and Toads Hole Valley. Sufficient mitigation should also be put in place for queueing traffic at the roundabout and at the store entrance, such as slip-roads and duplicated lanes.

5.9. **Goldstone Valley Resident's Association (GVRA): Objection**

5.10. **Councillors Brown and Bagaeen** have objected to the application. A copy of the correspondence is attached to the report.

6. CONSULTATIONS

External:

6.1. **Brighton & Hove Buses: Objection.** Proposal fails to encourage sustainable travel with the nearest frequent bus route being too far away and unlikely to achieve mode share targets for bus use without additional measures. Funding would be needed for improvements to bus services.

- 6.2. **County Archaeology:** Recommend for approval, subject to conditions
- 6.3. **County Landscape Architect:** Recommend for approval, subject to amendments to provide onsite bold tree planting at the north east site boundary, larger tree species on the north and east boundaries, include disease resistant elm, enhance the existing woodland area and incorporate a wild meadow green roof.
- 6.4. **Designing Out Crime Officer (Sussex Police):** Comment. No major concerns, provided appropriate security measures incorporated.
- 6.5. **Ecology:** Recommend for refusal due to insufficient information on biodiversity in respect of the mitigation, compensation and enhancement measures for Hazel Dormouse and reptiles
- 6.6. **Environment Agency:** No comments received
- 6.7. **National Highways:** Recommend that planning permission not be granted due to insufficient information with regard to potential impacts upon the A27 trunk road in terms of its safety, reliability and / or operation and the cumulative impacts of the THV site
- 6.8. **Natural England:** No objection
- 6.9. **Neos Networks:** Comment. Requirement to ensure the proposed works do not affect apparatus, but if it does this would require a Budget Estimate.
- 6.10. **Scotia Gas Network (SGN):** Comment. There is an intermediate pressure gas main near the site. There may be restrictions on the work being undertaken to ensure the safety of your site and the protection of the gas pipes. Privately owned gas pipes or pipes owned by a Licensed Gas Transporter (GT) may be present in this area and information regarding those pipes needs to be requested from the owners.
- 6.11. **South Downs National Park Authority (SDNPA) (Comment):**
- Suitable landscape mitigation measures would need to be incorporated, including appropriate design details for external works and planting schemes.
 - The development would be less likely to impact on the setting of the National Park given it would be located in an area with existing development.
 - Consideration should be given to the visual impact of the development upon the landscape character of the National Park with regards to boundary treatments.
 - Consideration should also be given to dark night skies, which is a special quality of the National Park along with tranquillity that need to be protected. As such, there should be a sensitive approach to lighting, also taking into account biodiversity / wildlife / habitats.

- Consideration should also be given to the creation of links between the development and the National Park.

6.12. **Southern Water:** (Comment):

- Foul sewerage disposal to service the proposed development can be facilitated. An application for any new connection to the public sewer is required.
- The SuDS are proposed to be under private ownership and maintenance, but in certain circumstances they will be adopted by Southern Water should this be requested. Adoption will be considered where they form part of a continuous sewer system and if they comply with the relevant guidance. Otherwise, arrangements must exist for the long-term maintenance of the facilities in perpetuity.
- Where a SuDS scheme is to be implemented, the drainage details should be submitted to the LPA.
- The Council's Building Control team should comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- General hardstanding that may be subject to oil / petrol spillages should be drained by means of appropriate gullies or interceptors.
- It is possible that a sewer now deemed to be public could be crossing the development site. An investigation of the sewer will be required to ascertain its ownership if one is found during construction works.
- If approved, an informative should be attached stating that details of the proposed means of foul sewerage and surface water disposal should be provided to Southern Water. The design of drainage should ensure that no groundwater or land drainage enters public sewers.
- Water supply to service the proposed development can be facilitated. A formal application for a connection to the water supply is required.
- As the site lies within a Source Protection Zone, consultation with the Environment Agency is required to ensure the protection of the public water supply source.

6.13. **UK Power Networks:** No objection subject to safe construction practices.

Internal:

6.14. **Air Quality:** Comment. Insufficient Information in respect of the daily vehicle trip generations, especially with regard to cumulative contributions to AQMA1, AQMA3 and AQMA4.

6.15. **Arboriculture:** No objection, subject to revisions such that off-site planting is not relied upon and larger specimen species and evergreens are included

6.16. **City Regeneration:** No adverse comments, subject to employment and training strategies and a financial contribution being secured by a legal agreement. The 50 jobs created would be less than the OffPAT Employment Density Guide figure of 95 based on one full-time job per 20m².

6.17. **Employment and Skills:** Support, subject to employment and training strategies and a £15,345 contribution being secured by a legal agreement

- 6.18. **Environmental Health:** No comment, concerns or conditions to recommend.
- 6.19. **Planning Policy:** Objection on the basis of the supermarket retail use for the site being non-compliant with the strategic site allocation in Policy DA7 and SPD15. The supermarket is not considered ancillary to the THV development due to the size of the proposed store and attracting customers from a wide catchment area. It could also prevent the delivery of a policy-compliant resident scheme, potentially further depleting the city's future housing supply.
- 6.20. With regard to retail impact assessment, it has been satisfactorily demonstrated that no suitable sequential sites are available and there would be no adverse impacts to local shopping centres, and per the NPPF and local policy tests.
- 6.21. **Sustainability:** Comment. Whilst the development proposals incorporate sustainable measures and are targeting BREEAM Excellent, they need to be enhanced in respect of sustainability, biodiversity and water drainage to meet the priorities of Policy DA7. Recommend for approval, subject to conditions.
- 6.22. **Sustainable Drainage:** Objection due to not proposing landscape-led sustainable drainage solutions or green/blue infrastructure, inadequately sized crate storage soakaways and insufficient water quality treatment
- 6.23. **Transport:** Unable to recommend approval due to a failure to improve the sustainability of the site's location; the public transport accessibility; walking and cycling connections to THV, the SDNP and existing neighbourhoods; non-compatibility with the emerging THV proposals; Transport Assessment not robust - issues with the trip rate data; potential car parking overspill; congestion / traffic; cumulative impact and future traffic growth rates. Non-compliant Road Safety Audit and highways safety issues.
- 6.24. **Urban Design:** Objection due to not prioritising pedestrian and cyclist connectivity between the application site, the adjacent THV site, surrounding residential neighbourhoods and the SDNP; not successfully integrating the site into its context, not being exemplary in sustainable design, the proposed landscape character would not enhance the verdant character of the area or link with the adjacent THV site; the lack of green / blue infrastructure; not generating a sense of place; contextually inappropriate appearance and materiality and lack of information on embodied carbons

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. Section 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 Joint Area Action Plan (October 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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

DA7	Toad's Hole Valley
SA4	Urban Fringe
SA5	The Setting of the South Downs National Park
SA6	Sustainable neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP18	Healthy city

Brighton & Hove Local Plan (retained policies March 2016)

TR4	Travel plans
TR7	Safe Development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control

SU10	Noise nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
SR3	Retail warehouses
NC4	Sites of Nature Conservation Importance (SNCl)s and Regionally Important Geological Sites (RIGS)
HE6	Development within or affecting the setting of a Conservation Area
HE12	Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part 2:

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

DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health – Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD15	Toad's Hole Valley
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

Other Documents

Urban Characterisation Study 2009

Developer Contributions Technical Guidance - June 2020

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to:

- Principle of development and a retail land use
- Design and impact on the setting of the South Downs National Park
- Biodiversity, Ecology, Landscaping and Trees
- Impact on Neighbouring Amenity
- Impact on Highways
- Sustainability
- Archaeology

Summary of Key Issues:

9.2. The principle of the development is considered unacceptable because it would be contrary to the objectives for and requirements of the strategic allocation of this site, thereby compromising the ability of this site to help meet the housing needs of the city, with a poor quality design, form, layout, appearance, scale and materiality that fails to provide appropriate connections with its surroundings, relate well to landscape character, be landscape-led (including sustainable drainage system), or be exemplary in terms of sustainability. The application has also failed to demonstrate that it would adequately preserve or enhance the biodiversity of the site, would not have a harmful impact on protected species, would protect ground water sources from pollutants or would have an acceptable and safe impact on the road network, and would not be heavily reliant on the use of private cars by future users. Additionally, the proposal fails to provide adequate linkages to surrounding areas and would compromise the successful delivery of the strategic infrastructure necessary to enable sustainable delivery of the Court Farm and Toad's Hole Valley allocated sites.

Principle of development:

9.3. The site is partly a greenfield site but is located within the defined Built Up Area and is allocated for development in principle under Development Area Policy DA7. Policy DA7 is the key relevant planning policy applicable to this development and covers the adjoining Toads Hole Valley (THV) site as well as this Court Farm site.

9.4. The primary aim of Policy DA7 is to secure a modern, high quality and sustainable mixed-use development to help meet future needs of the city, improve accessibility and provide new community facilities to share with adjacent neighbourhoods. Importantly in relation to this application, Policy DA7 seeks provision of only ancillary supporting uses such as shops (i.e. small scale, very local only), as part of a balanced and sustainable community.

9.5. Policy DA7 specifically makes provision for a minimum of 700 residential units, 3.5-4.5 ha employment space, a 5ha site for a new secondary school, 2ha

public open space, a multiuse community building, ancillary retail uses, 0.5 ha food growing space and integrated green infrastructure.

- 9.6. Supplementary Planning Document SPD15: Toads Hole Valley is also a material consideration of considerable weight. This builds upon Policy DA7 and provides guidance to assist in its delivery.
- 9.7. The site is designated for a new modern, high quality and sustainable neighbourhood with a balance of mixed uses and the priority land uses sought are residential, office and a school, although it is predominantly a residential-led allocation. The policy seeks a minimum of 700 residential units and seeks to make the most effective use of the site to help meet the Council's acute housing need. Therefore, a large-scale retail use is not one of the key land uses sought on this site. No evidence has been submitted to verify the applicant's claim that the proposal for a discount foodstore of 1,895m² would complement the three smaller retail units proposed on the main THV site, the amount of floorspace and specific occupiers for which have not been approved as yet. Indeed, the proposal could undermine the viability of the proposed local shops and the place-making benefits of the creation of a neighbourhood centre to the development. Taken together, it is not accepted that they are ancillary or would meet just very local needs since the store proposed by this application clearly would generate demand from a much wider area, as noted in the submitted Planning & Retail Statement. Therefore, an in-principle objection in relation to compliance with Policy DA7 is raised to the proposal.
- 9.8. A Retail Impact Assessment has been prepared by the applicant as required by policy CP4 of the CPP1 and para 90 of the NPPF. Policy CP4 sets a local threshold for an impact assessment to be carried out on schemes of 1,000 sqm or more.
- 9.9. Paragraph 90 of the NPPF states that planning applications for retail uses out of town centres should be assessed against the impact of the proposal on:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.
- 9.10. The applicant is not required to demonstrate that there is a 'need' for their proposal, but the NPPF (paragraph 87) suggests an applicant must demonstrate the development cannot be met in sequentially preferable locations, allowing for flexibility.
- 9.11. Paragraph 91 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact, then it should be refused.
- 9.12. Hove Town Centre and Boundary / Station Road District Centre are in the proposed discount food store's catchment area and would be the most affected centres. Whilst the Council's retail consultant concludes that population and

expenditure projections and the expected turnover figures of the store are robust, the applicant's combined comparison and convenience goods estimates are considered to be misleading because the figures only included convenience goods trade diversion. The Council's retail consultant's sensitivity estimates suggest a combined impact of -3.6% on Hove Town Centre (rather than -2.9% suggested by the applicant) and -10.4% on Boundary / Station Road District Centre (marginally higher than the applicant's -10.1%). The evidence suggests the cumulative impact in respect of growth projections and trade diversion figures on the most affected centres would not be significant i.e. few shop closures and an insignificant increase in the overall vacancy rate. A significant reduction in consumer choice or existing investment is therefore not anticipated.

- 9.13. In terms of the sequential assessment, the applicant is required to assess potential sequentially preferable sites in or on the edge of designated centres that would serve a similar catchment area. Four potential site opportunities have been identified by the applicant, but are considered too small to accommodate a foodstore broadly similar in size to that proposed. Additionally, the availability of the sites in a reasonable period of time is unclear. Based on the information provided there are no potential opportunities within centres that are large enough to accommodate a discount foodstore and, as such, the sequential test has been addressed and satisfied in accordance with City Plan Policy CP4.
- 9.14. However, just because there are no sequentially preferable sites that are suitable and available, it does not mean that the subject site is the most appropriate location for the proposed development. It is noted that the current THV application proposes more dwellings (880) than required by part B of Policy DA7 (a minimum of 700), but this is yet to be determined and the Council has a five year housing land supply position of 2.2 years (equivalent to a shortfall of 6,604 dwellings) in light of City Plan Part One reaching five years since adoption, and the requirement to apply an additional 35% uplift as one of the top 20 cities in the urban centres list. Added to the fact that Brighton and Hove is a tightly constrained urban area with few opportunities to physically expand given the need to safeguard the city's highly valued natural and historic environments, it is essential that efficient and effective use is made of all the Council's housing sites. It should be noted that this is set out in the supporting text to Policy DA7.
- 9.15. As evidenced by the approval of BH2015/04184, residential development is appropriate for the Court Farm site, subject to detailed design matters. Despite the case made by the applicant to the contrary, there is no need for a different land use to provide a buffer between the roundabout junction and the wider THV development since this can be achieved by inclusion of appropriate measures such as landscaping and soundproofing.
- 9.16. In terms of delivery of the elements sought by the allocation of the main THV site, officers recognise that the outline application currently indicates the ability of that site to accommodate all the uses (and their minimum amounts) as set out in Policy DA7. That proposal is not yet determined. Furthermore, it does

not follow that if a more efficient use of the wider THV site is possible, that a large scale retail use is appropriate. It is also, worth noting that the minimum amount (3.5 ha) of B1 employment space is proposed as part of the THV application when Policy DA7 outlines a need for up to 4.5 ha. There is also an identified strategic demand for additional B1, now Class E(g), jobs in the city so it is not the case that retail is the only possible non-residential use for this site. The creation of 50 retail jobs is welcomed in principle, although it is not clear if these are for local people / residents as required by part A4 of Policy DA7.

- 9.17. It is worth noting that the reference in DA7 and SPD15 for community facilities does not apply to retail, and shops are very much seen as an ancillary supporting use.
- 9.18. It is considered that this development would be contrary to the aims and objectives of Policy DA7 and SPD15, contribute to preventing an improvement to the city's five year housing supply situation and would fail to be ancillary in nature to the rest of the THV site. As such, the principle of the development is considered unacceptable when weighed against the benefits of the proposal. The other impacts of the scheme namely design, impact on the South Downs National Park, biodiversity, ecology, landscaping, trees, neighbouring amenity, highways, sustainability and archaeology are assessed below.

Design and impact on the setting of the South Downs National Park:

- 9.19. City Plan Part One Strategic Area Policy SA5 sets out that the Council will protect and enhance the natural beauty of the South Downs National Park. Since this proposal is within its setting, it must respect and not significantly harm it, but where any adverse impacts are had, these must be minimised and appropriate mitigation or compensatory measures proposed, which should have regard to landscape character and impacts.
- 9.20. NPPF paragraph 176 outlines that development within the setting of a National Park should be sensitively located and designed to avoid or minimise adverse impacts.
- 9.21. Policy DA7 states that there is an opportunity to improve links from the THV and Court Farm sites to the South Downs National Park. All new development is also expected to meet high standards of sustainability and design, as per adopted policy.
- 9.22. The subject site is at a sensitive and prominent location at the top of a hill set against the rural backdrop of the SDNP. As such, it is particularly important that the design, height, massing and layout is high quality, appropriate and sympathetic to its context. As such, it should be a landscape-led design.
- 9.23. The applicant's development vision includes the objective to respect the setting of the SDNP, but no objectives are included regarding local / strategic city views. However, the submitted analysis of views does take account of identified strategic viewpoint 2: Toad's Hole Valley identified in SPD17. The Design & Access Statement (DAS) identifies that the view from the adjacent

roundabout is screened by existing vegetation on the application site and therefore is unaffected by the proposal. There is also significant off-site screening that therefore cannot be relied upon in the future, particularly because much of it comprised of ash trees, which may suffer from dieback disease, a matter which was raised by consultees. Robust landscaping and revised site layout are therefore necessary. In any case, the intention in SPD17 is that this viewpoint is not just from a fixed point on the roundabout and also encompasses sea views down across Toad's Hole Valley from the Court Farm site itself. As such, the view would be affected in some way by proposals. It is considered that analysis of other local views is helpful in indicating that King George VI Avenue is the active frontage of this site.

- 9.24. Officers consider that the landscape proposal does not generate a sense of place. Although a supermarket may not be considered a "place" in the same way as an urban public square, the site's position adjacent to the SDNP and between several neighbourhoods, along with the views offered from the site across THV, provide the opportunity for a "place" to address local policy regarding enhanced connections between the city and the SDNP in line with paragraph 3.97 of the supporting text to Policy DA7. Also, as stated previously, there are concerns that the proposal could undermine the wider placemaking objectives and compromise the 'heart' or centre of the new THV neighbourhood alongside the community uses as sought within the THV application, and as sought by SPD15 (and the Design Review Panel).
- 9.25. In regard to connectivity, this has not been prioritised between the application site, the adjacent THV site, the SDNP and surrounding residential neighbourhoods with the connections proposed considered to be illegible and unnatural. This is a significant concern and is contrary to adopted policy and local and national guidance. Whilst the DAS indicates that there are a number of established footpaths and routes leading to the site from the residential areas, no in-depth analysis of these, of the cycle routes in these areas, nor of the cycle and pedestrian routes leading to the SDNP are presented to inform the proposed site layout. Indeed, it appears that connections do not exist or are very poor. The pedestrian and cycle connection into the rest of THV is of limited width and is unsatisfactory. The proposal fails to deliver the expected key strategic infrastructure (see Transport section below), and this is a significant concern. As such, the site would not be successfully integrated into its context and the proposal would not generate a sense of place and would be far from being an exemplary sustainable development as required by Policy DA7.
- 9.26. The County Landscape Architect has also provided comments. The conclusions of the Landscape and Visual Impact Assessment (LVIA) that the proposed development would have an overall minor beneficial effect on local landscape character and views are not disputed, but the beneficial effects would only be realised with the implementation of a robust landscape masterplan, to which they have suggested improvements in the form of bold on-site tree planting, larger tree species on the north and east boundaries and the inclusion of disease resistant elm. This is a concern and would need to be addressed, most likely requiring a revised layout and landscaping scheme,

which could not have been secured wholly by condition (had the application been found to be otherwise acceptable).

- 9.27. The proposed sloping roof reduces visual impact as viewed from the SDNP to a degree, and generates a building form that helps nestle the building more comfortably into the site.
- 9.28. No rooflights have been proposed to protect the SDNP's designated status as an International Dark Sky Reserve. The lighting scheme is proposed to be designed to have zero lux within the "ecology zones", which is supported in principle, but further details would be secured by condition if the scheme was considered acceptable in other respects.
- 9.29. Subject to necessary revisions, the application is considered to have the potential to protect and conserve the natural beauty of the SDNP.
- 9.30. It is noted that the previously approved residential scheme is a definite parameter for the site in terms of height and siting in proximity to boundaries. The height of the proposed development is lower than that previously approved on the site, and is considered to be acceptable in principle. However, the overall mass of the building in the form of a singular volume would be significantly harmful to the character of the area and the proposed sloping green roof, whilst welcomed in terms of it being planted with a wild flower mix, would not acceptably mitigate this harmful impact. It would have been preferable if the building had been broken down into different elements through scale and articulation. As such, the proposal is not reflective of the scale or form of buildings common to the area or setting.
- 9.31. The urban grain and layout analysis submitted does not account for the adjacent outline application for THV. Whilst it is not an approved scheme, it is indicative of what is expected to be built out on that site and reflects SPD15 guidance. The lack of analysis is particularly concerning given that the site occupies an important, strategic location with regard to connectivity between several residential neighbourhoods and the SDNP. The proposal also fails to explain how it seeks to respond to the prevailing architectural character of the site surrounds and how it can enhance it, particularly as the analysis finds this to be of little value. It is considered that there is an opportunity to reference a local downland agricultural vernacular style.
- 9.32. The proposal is largely a standard, rather functional, Aldi supermarket design and it has therefore followed that a contextual material specification and elevational composition have largely been overlooked in this proposal, and it would not positively contribute to the prevailing character of the area. Elevation A (south east), considered to be the primary public facing elevation, features an insufficient amount of glazing and there is significant concern regarding the blankness of proposed cladding panels and their dominance of this elevation. the proposed appearance is considered to be harmful to the character of the public realm. However, Elevation D (south west) would have a large area of glazing, which is considered to be successful as it enlivens and activates the building's appearance, generating a welcoming interface with the

public realm. The appearance of the proposed building is considered to be harmful to the character of the public realm. As such, the proposed appearance and materiality is considered to be contextually inappropriate and would not be reflective of its sensitive and prominent location or the prevailing visual character of the adjacent residential neighbourhoods or the agricultural Downland environment.

- 9.33. Whilst some element of branding on a proposal of this nature would be accepted, the proposals appear to apply a corporate appearance specifically associated with the Aldi brand to all sides of the building. As such, this is not considered to be contextually appropriate.
- 9.34. The proposal does not include any information on embodied carbon and, as such, are not policy compliant in that regard. As such, they do not wholly comply with CPP1 Policy CP8 or Policy DA7, and sustainability is discussed further in a section below.
- 9.35. The internal layout and orientation, however, are arranged appropriately. The back-of-house areas would be located to the north, whereas the front-of-house area would enjoy a southerly aspect and, as such, offers the potential for high levels of natural light.
- 9.36. Overall, the proposal is not considered to represent a good quality design. The proposal would not generate a sense of place, not successfully integrate itself into its context, not link in with the prevailing visual or landscape character or preserve its setting, not be contextually appropriate and would not be exemplary in sustainable design. As such, it would be non-compliant with City Plan Part One Policies DA7, SA5, CP8, CP12 and CP13, emerging Policy DM18 of City Plan Part Two, SPD15 and SPD17 and paragraphs 8, 92, 130 and 134 of the NPPF.
- 9.37. These policies and guidance seek sustainable development through fostering well-designed, beautiful and safe places, supporting communities' health and social well-being and protecting and enhancing the natural environment, including and mitigating and adapting to climate change, including moving to a low carbon economy. They also require developments to add to the overall quality of the area over their lifetime, be visually attractive, sympathetic to local character, establish a strong sense of place and create safe, inclusive and accessible places. The latter makes it clear that development that is not well designed should be refused functions, specially where it fails to reflect local design policies and guidance, including supplementary planning documents.

Biodiversity, Ecology, Landscaping, Trees and Sustainable Drainage:

- 9.38. The subject site is not designated for its nature conservation interest, but several Local Wildlife Sites (LWSs) lie nearby. The site is however a habitat to various wildlife including protected dormice and reptiles. The amount of development and site layout therefore requires careful consideration, and proposals need to ensure they both protect and enhance biodiversity.

- 9.39. Whilst development of the site is achievable in principle (as can be seen from previous permissions) the presence of dormice is a recent consideration, and they benefit from significant protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Also of consideration is the presence of ash tree dieback.
- 9.40. It is considered that there are unlikely to be any material impacts on the nature conservation interests of the nearby LWSs or the SDNP subject to measures put in place to control dust and pollution as part of a Construction Environmental Management Plan (CEMP). This would also need to cover the proposed badger safeguards in paragraph 5.3.26 of the Ecological Assessment.
- 9.41. The site currently comprises broadleaved woodland, amenity grassland, species-poor native hedgerow, scrub, amenity planting, tall ruderal vegetation, recolonising ground, buildings and hardstanding. The retention and enhancement of the hedgerow, woodlands and scrub is supported, as is the replacement of the species poor grassland with species rich wildflower grassland and the proposed extensive biodiverse green roof (which is should be chalk grassland).
- 9.42. The proposal would result in a biodiversity net gain of approximately 4%, which is welcomed, but it is considered that more could be achieved on this site to deliver the minimum uplift of 10% that will be required by Part 6 of the Environment Act. Although a minimum 10% BNG will not be mandatory until November 2023, given that BHCC has declared a Biodiversity Emergency, it is reasonable to expect developments in the City to deliver the minimum level that the UK Government has set to reverse environmental decline. Also the net gain percentage should be improved to ensure the development is a sustainable exemplar, as aimed for in policy DA7. Measures to improve the ecology outcomes on the site in accordance with Policy CP10 and SPD11 could include replacing habitats lost with habitats of higher distinctiveness, improving and enhancing the intrinsic biodiversity value of the woodland and converting the flowering lawn grassland to chalk grassland with native scrub. The metric calculations submitted with the application show that the proposals are to replace habitats lost with habitats of lesser value.
- 9.43. Whilst the Ecological Assessment makes some reference to the adjacent THV development, the cumulative and in combination effects of the proposal on biodiversity have not been fully considered. This is of particular relevance for protected species, most notably dormice and reptiles. Further information would have been sought had the application been otherwise acceptable.
- 9.44. In terms of the potential impact on badgers, bats, birds and hedgehogs, it is considered this could potentially be mitigated against, subject to the implementation of the mitigation measures in the Ecological Assessment and the installation of bat and swift boxes.

- 9.45. Hazel Dormice, slow worms and common lizard have been confirmed on site. A receptor site for the reptiles' relocation is necessary, but the THV LWS cannot be used as proposed because it is already a receptor site for the THV development and it will have limited carrying capacity. Given that additional reptiles cannot therefore be moved into that site, one or more alternative receptor sites are required, and would have been sought had the application been otherwise acceptable.
- 9.46. Given the extent of suitable dormice habitat proposed for clearance, the persuasion approach during winter time is considered appropriate. However, it is unclear how the proposed landscaping ties in with the proposed dormouse mitigation strategy for the adjacent THV site and how the on-site population remains connected to the existing wider population off-site. Instead, a dormouse crossing should have been explored and included to connect the site with Three Cornered Copse.
- 9.47. The proposal therefore currently fails to adequately demonstrate that dormice and reptiles will not be compromised, which is a significant concern. The County Ecologist confirms that the proposal should be refused as insufficient information has been provided at this stage to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement.
- 9.48. In terms of the proposed landscaping, the detailing is sufficient, but the ratio of hard to soft is significantly in favour of the former, which is considered unacceptable even taking into account of an appropriate amount of car parking provision. Additionally, the proposed landscaping / planting has not been informed by local guidance for this site (SPD15), which encourages development to incorporate green / blue infrastructure features e.g. natural sustainable drainage systems such as ponds, swales or rain gardens, and the proposed crate soakaway and permeable paving system would not protect ground water sources from pollutants. SPD15 requires "*landscape-led, natural ways of preventing flooding and contamination of the aquifer*", which is not evident in the planned layout and drainage strategy, thereby failing to take the opportunity to create green / blue infrastructure. Since this is a constraint for the design of this development, it is not considered to condition a surface water drainage scheme for this site.
- 9.42 It is worth noting that the proposed landscaping would not successfully link in with that proposed on the adjacent THV site, which incorporates green / blue infrastructure (i.e. nature-based SuDS) as a primary design driver. Furthermore, SDP16 requires proposals to ensure that appropriate treatment measures have been incorporated to protect groundwater quality where surface water drainage systems include infiltration to ground, which is in line with NPPF paragraph 174 and emerging Policies DM42 and DM43. The crate storage soakaways have not been sized appropriately and therefore are unlikely to outlive the lifetime of the development. Additionally, the soil beneath the permeable paving does not have good contaminant attenuation potential with the areas of permeable paving being too small to provide sufficient water quality treatment for the whole car park as a ratio of the total drained area. The

drainage for the access road and HGV area would be straight into crate soakaways in the chalk, which is considered unacceptable. Again, all these matters need to be factored into the proposed design and cannot be conditioned. All of the above are missed opportunities to utilise adjacent landscaping areas as multifunctional sustainable drainage. The council's Flood Risk Manager confirms that the proposed scheme does not comply with national and local sustainable drainage policy and raises an objection.

- 9.49. The extent of open hard surface in the form of the car park is very impactful, not aided by the relatively minor amount of ground and tree planting proposed, which is largely contained to the edges of the site. The siting of the proposed building very close to the north east corner of the site boundary does not allow for any tree planting to screen the facade of the building from the wider landscape. The off-site planting on the highway verge cannot be relied upon to screen the development since it is affected by ash dieback, which will reduce the screening over time. Therefore, large specimen tree planting and evergreen screening e.g. pine trees should have been proposed to the north (plus north west between the development and the A27) and east boundaries as well as at the entrance to the site as a gateway feature. This planting is considered to be of greater importance than to provide natural surveillance in views into the site from outside and vice-versa, as highlighted by the Designing Out Crime Officer. There would be sufficient natural surveillance within the site / across the car park and public areas through the use of ground planting of no higher than 1 metre.
- 9.50. As such, the proposed tree planting and landscaping would fail to enhance the verdant character of the area for the benefit of the landscape character within and outside the site, including the setting of the SDNP.
- 9.51. As set out above, insufficient information has been provided to demonstrate that the proposal would not have a harmful impact on Hazel Dormice and reptiles, and it would not protect ground water sources from pollutants, it would not incorporate green / blue infrastructure, it would fail to link in with the THV site and the site would not incorporate sufficient planting, including tree planting. It is therefore contrary to City Plan Part One Policies DA7, CP10, SA5, CP12 and CP13, Local Plan Policies SU3, SU5, SU9, QD15, QD16 and QD18, emerging Policies DM18, DM22, DM37, DM40, DM42 and DM43 of City Plan Part Two, SPD11, SPD15, SPD16 and SPD17 and paragraphs 130b and c, 131, 134, 154a, 168 and 174e of the NPPF. NPPF paragraph 182 is worth noting given that where the project is likely to have a significant effect on a habitats site, the presumption in favour of sustainable development does not apply.

Impact on Neighbouring Amenity:

- 9.52. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.53. The nearest residential property to the site is 187 Woodland Avenue at approximately 25m away, although the building-to-building distance would be

at least 134m. As such, it is considered that this property and all of the others would not be materially affected in respect of daylight, sunlight, overshadowing, overlooking, outlook or sense of enclosure.

- 9.54. Given the scale and nature of the proposal, there would be an increase in noise and disturbance from the use of the discount foodstore, particularly from vehicular traffic, both customers and deliveries. The applicant has submitted an Environmental Noise Report to address this impact, and which covers noise from the fixed mechanical plant, car park and service yard. The Environmental Health Officer agrees with the conclusion that the noise from the plant and car parking activity would be below the relevant daytime and night-time guidelines and that the food store could receive deliveries at any time without causing adverse impact to existing or future residents, and Officers have no reason to disagree. Therefore, the proposal for 24/7 servicing and delivery hours is considered acceptable, subject to a Delivery Management Plan (DMP) being conditioned in the event of an approval. In addition, a Construction Environmental Management Plan secured by condition could satisfactorily control impacts during construction.
- 9.55. As such, the overall impact on neighbouring amenity would be considered acceptable subject to conditions and compliant with Local Plan Policies SU10 and QD27 and emerging CPP2 Policy DM20 (which can be given significant weight).

Impact on Highways:

- 9.56. National and local transport planning policies seek to promote sustainable modes of transport and reduce reliance on the private car, and seek to ensure safe highway development.
- 9.57. The aims of policy DA7 and SPD15 are for the site to assist in meeting the development and infrastructure requirements of the city; to benefit residents in terms of road safety improvements; to improve sustainable public transport, walking and cycling links within and to the area and the new THV neighbourhood; to create new links with the SDNP; and reduce or minimise traffic-related light, air and noise pollution and carbon emissions. SPD15 seeks to ensure development at THV and Court Farm contain measures which help reduce the severance caused by King George VI Avenue and surrounding roads.
- 9.58. Policy DA7 and SPD15 have not been mentioned in the submitted Transport Assessment (TA), and it is considered that the proposals fail to adequately meet their requirements. The Local Highway Authority (LHA) raise significant concerns regarding the submitted TA, which is not considered robust, as do National Highways, who recommend non-approval due to insufficient information, and it is considered that it has not been demonstrated that the proposal complies with local or national policy and guidance.
- 9.59. The site currently suffers from having relatively limited public transport provision and no formal, direct walking or cycling connections, illustrated by King George VI Avenue not having any footway to its northern end east of the

subject site or a cycle lane. The proposal includes a footway on the southern side of the site to provide pedestrian access to King George VI Avenue and the adjacent THV site from the store entrance. Also proposed is a new footway to the eastern side of the King George VI Avenue linked by a new pedestrian refuge crossing point to the residential properties on Woodland Avenue and beyond.

- 9.60. The walking catchment of the area fails to take into account the area's topography, with King George VI Avenue being on a steep hill, and some of the roads not having footpaths, such as Devil's Dyke Road, some of which are unsurfaced and unlit. KGV Avenue is a significant barrier and SPD15 encourages measures to reduce its degree of severance, and these are not included.
- 9.61. In terms of the wider catchment area, the applicant sets out that the proposed discount foodstore would be a "main food destination" and therefore it would be more likely to attract customers from further away, not just from the more localised north Hove catchment area.
- 9.62. Officers do not agree with the assertion that the proposal would facilitate a significant reduction in unsustainable travel patterns given those living to the north of Hove who wish to visit a discount store could visit Lidl in Goldstone Retail Park or Aldi's other nearest store at Carlton Terrace in Portslade, which is less than a 10 minute drive from the subject site. Additionally, since Aldi's other current stores are drawing trade from northern catchment areas (such as Hassocks and Burgess Hill), then there is no reason why the proposed store would not do so, particularly as it is closer than, for example, the Portslade store. Introducing further traffic into the city is a significant concern, especially given this is an already busy area close to strategic junction.
- 9.63. The proposal fails to link in with the new THV neighbourhood and wider area including the SDNP, evidenced by a lack of compliance with the emerging highways design plans in regards to the lack of a continuation of the proposed pedestrian / cycleway up to the roundabout and whether the pedestrian pathway to the south does link into THV, and this should also cater for cyclists. This lack of compliance has been clearly demonstrated in point 8 of the LHA's consultation response and is a significant concern as such crucial strategic linkages are necessary for any development coming forward across both sites. To achieve this the layout of the proposal would need to be significantly amended to leave sufficient space along its road frontage, and also incorporate appropriate landscaping.
- 9.64. The proposal fails to improve links with the existing residential neighbourhood, particularly in respect to nearby bus stops, and does not address additional bus frequency, both of which are considered fundamental to successful development of this site, particularly for a large-scale retail use. Brighton and Hove Bus Company and the LHA confirm that enhancements to bus services should be sought.

- 9.65. The site is not served directly by bus with the nearest bus stop located on Woodland Drive approximately 150m away on foot and served by two services (21 and 21A) that run once an hour on weekdays and Saturdays, but only between 08:30 and 19:30. Bus stops for services 27 and 77 are also relatively nearby but the latter only operates once every 1 hour 15 minutes on Saturdays and Sundays between 09:00 and 18:00 and are located on Dyke Road Avenue approximately 600m from the site access. However, these are located across very busy roads and there is no formal footway to these stops and in any case it is not considered an accessible and inclusive route due to being muddy during the winter months, thereby unsuitable for wheelchairs or prams, unlit and unsafe. Given the frequency of service 27 (every 15 minutes Monday-Saturday and 30 minutes on Sundays), there is likely to be an increased demand for staff and customers to use the Dyke Road Avenue stops. As such, a pedestrian route should have been proposed, as well as an investigation undertaken as to whether new bus stops could be provided closer to the site.
- 9.66. Furthermore, it is considered that improvements should be sought to bus services in respect of increasing the frequency of service 21; providing a bus shelter and live bus times display at the top of Woodland Avenue; live bus times displays at both the Tongdean Lane stops on Dyke Road and a shelter at the northbound stop; live bus times displays in the proposed foodstore and free trial bus passes to new staff for a year.
- 9.67. The lack of provision of all these matters is of significant concern such that it warrants a refusal of this proposal.
- 9.68. Had this application been found to be otherwise acceptable, a financial contribution towards a mobility hub to include a bike share scheme and e-bikes at the Hilltop Café at the top of Dyke Road Avenue would have been secured via a legal agreement. The previously mentioned pedestrian improvements would also have needed to connect with this. Whilst mention has been made of National Cycle Network Routes 20 and 22 (actually 82), the former has no connection with the subject site and the condition of much of the latter is poor. As such, no improved links to designated national cycle routes, or the SDNP have been proposed, as required by Policy DA7.
- 9.69. The relatively poor public transport accessibility would mean that staff and customers of the discount foodstore would be heavily dependent on accessing the site by private car, contrary to national guidance and Policies DA7 and CP9, as well as SPD15. As set out in paragraph 2.19 of the supporting text to Policy SS1, it is considered that DA7 is one of the specific development areas where accessibility needs to be significantly improved, but this proposal fails to achieve that objective. In addition, the proposal fails to enable and support healthy lifestyles through the provision of safe and accessible green infrastructure and layouts that encourage walking and cycling, contrary to policies DA7, CP18 and SPD15.
- 9.70. There are also highways safety issues with the proposal, which are yet to be satisfactorily addressed.

- 9.71. It is proposed to form a new junction on the west side of King George VI Avenue giving priority to those vehicles entering the site from the north in the form of a right turn 'ghost island lane' over those vehicles who wish to exit the site to the south, and who would not be able to do so under the current proposal without causing significant highway safety concerns. As such, details of how the 'ghost island lane' would be blocked should have been provided. Additionally, any large delivery vehicle exiting and turning left out of the proposed access would cross the centreline and may collide with oncoming vehicles turning to enter the site. It is unclear if a 'Left-In, Left-Out' (LILO) access arrangement has been considered, which would alleviate those issues, albeit vehicles entering the site would have to arrive from the south. It is also considered that a slip lane would be of benefit for slow / heavy vehicles given that the site is at the top of a steep hill. The scheme also does not take account of emerging highway designs for the THV site and thus could compromise delivery of this strategic development allocation. The proposal would therefore be contrary to paragraph 3.95 of the supporting text to Policy DA7, Policy TR7 and SPD15.
- 9.72. In terms of on-site issues, any large delivery vehicle reversing into the loading bay at the rear of the store would need to manoeuvre within a significant area of the main car park, which is dangerous given the potential for pedestrians crossing the car park to be hit by the delivery vehicle. As such, the car park layout and / or the proposed delivery location needs to be changed.
- 9.73. The Stage 1 Road Safety Audit (RSA) submitted in connection with the highway designs is not accepted by officers given that the audit team and brief plus proposed s278 works were not agreed with the LHA (or National Highways) in advance (evidenced by the highways safety issues not being eliminated).
- 9.74. In respect of travel forecasts / trip generation / cumulative impact, several important gaps in the information provided have been identified and are listed below:
- Exploration of whether there is any survey data from existing Aldi stores that can be used for more robust trip rates and parking evidence.
 - The inclusion of a Saturday peak hour traffic assessment in addition to weekday AM and PM peaks.
 - Clarification on predicted traffic numbers shown in Table 4.6 of the TA.
 - The inclusion of 8% traffic growth factor and set of committed developments in and for any transport assessments.
 - The cumulative impact of this scheme, committed developments, 8% traffic growth and Toad's Hole Valley scheme needs to be assessed.
 - Network diagrams to include the actual change and percentage change in trips between the 'With' and 'Without' scheme situations so that any additional junctions that need to be modelled can be.
- 9.75. The emerging highway designs and transport proposals for THV application cannot be fully relied upon to mitigate the impact from the Aldi scheme as that is not an extant permission, and in any event the Court Farm proposal must meet the demand it creates for travel in its own right.

- 9.76. The site is not considered to be in a particularly sustainable location within the city given that future customers and staff would mainly be reliant on private transport to reach the site. This is illustrated by it being in an 'Outer Area' of the city as set out in SPD14. In addition, there are poor pedestrian and cycle linkages, and bus routes are not immediately close by. In these outer areas, SPD14 permits a maximum of one car parking space per 15m² of floorspace, totalling 126 spaces. 120 spaces are proposed, which is therefore compliant in principle.
- 9.77. However, insufficient evidence has yet to be provided to demonstrate that there is actually sufficient parking within the site to meet the demand it creates and avoid queues of cars on the A2038 and strategic road network, impacting on buses on Dyke Road Avenue, or resulting in overspill parking on the surrounding roads that are not in a Controlled Parking Zone (CPZ). As discussed in more detail further on in this section, the site is not considered to be accessible and users are expected to be heavily reliant on the use of private cars. It is considered that the application does not contain sufficient information to satisfactorily demonstrate that the proposal complies with Policies TR7, DA7 and CP9, SPD14, SPD15 and NPPF paragraph 111 in this respect.
- 9.78. The nature of a large scale retail use, the proposed access arrangements and its location on a steep hill with a 40mph speed limit and close to a busy roundabout with six entry / exit points, plus lack of good quality sustainable alternatives, would not reduce traffic congestion or vehicle emissions as suggested by the applicant. The site's relatively unsustainable location and uptake of nearly all of the spaces in the maximum car parking standards indicates the opposite.
- 9.79. Given the amount of floorspace proposed, 10% of the 120 car parking spaces are required to have electric charging points and 10% are required to have 'passive' provision to allow conversion at a later date, as per SPD14. 12 would be 'active' and 12 would be 'passive' in line with SPD14, but the number should be increased due to the expected rise in electric vehicles usage and the requirement in DA7 for the proposed development to be of an exemplary standard in terms of sustainability..
- 9.80. As regards disabled car parking spaces, seven are proposed, which is 6% of the total capacity as required by SPD14. Seven 'parent and child spaces' are also proposed, which is welcomed. Three motorcycle spaces are provided, which is short of the minimum 5% (or six) of the maximum total car parking standard (126) required by SPD14. The additional spaces would have been requested had the proposal been found to be otherwise acceptable.
- 9.81. In terms of cycle parking spaces, SPD14 provides minimum standards. 14 short stay (customer) spaces and 10 long stay (staff) spaces are required with a total of 26 being proposed; 16 short stay and 10 long stay. These numbers are therefore considered compliant. The long stay spaces would be located internally near to the staff areas, which is accessible without wheeling bicycles

through the store. Details of both stands could have been secured by a pre-occupation condition.

- 9.82. A bin store has been proposed within the delivery bay, but this location is not convenient for collection, and it is not clear whether a waste collection vehicle would enter the site to collect the bins, or whether the space is sufficient to accommodate sufficient bins of an appropriate size. Amendments and further details would have been sought in the event of an approval.
- 9.83. Given the scale of the proposal and the proximity to an extremely busy junction, it is recommended that the CEMP previously referred to would also be required for highways-related reasons. This would address concerns about safety, amenity, noise and construction traffic.
- 9.84. As such, there is insufficient information to definitively determine the likely impact of the development in accordance with NPPF paragraph 113. Whilst development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe as per NPPF paragraph 111, it has not been demonstrated that this is not the case. The concerns raised are therefore considered sufficient to warrant a recommendation for refusal on highways grounds.

Sustainability:

- 9.85. City Plan Part One Policy CP8 requires major new non-residential development to incorporate significant sustainable measures and achieve a BREEAM standard of 'Excellent'. Emerging City Plan Part Two Policy DM43 requires new build non-residential development to achieve a minimum Energy Performance Certificate (EPC) rating of 'B'.
- 9.86. One of the priorities of policy DA7 is to ensure development is of an exemplary standard in terms of environmental, social and economic sustainability, achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives.
- 9.87. A pre-assessment BREEAM report shows that the proposed building is likely to achieve an 'Excellent' rating with a score of 73%. Whilst this is welcomed, given that the bracket for 'Excellent' is 70% - 85%, ideally a higher score should be targeted at this stage to allow for potential slippage during construction and ensure that this rating is delivered. this would also help demonstrate it is exemplary, as per Policy DA7.
- 9.88. Policy CP8 requires a 19% carbon reduction improvement against Part L of Building Regulations (albeit for residential development) and the proposed building is predicted to result in a 28% reduction, which is therefore supported. It is noted that the building fabric and M&E services alone would save 22% carbon emissions and the refrigeration heat recovery system will reduce carbon emissions further. Heating is by an Air Source Heat Pump (ASHP) which provides additional energy savings by drawing in heat recovered from the store's refrigerated storage units.

- 9.89. High efficiency water saving fittings are proposed and for a retail development, the water use is expected to be relatively low.
- 9.90. The office, WCs and other staff facilities would have mechanical extract ventilation system compliant with Building Regulations Part L2A 2013. Active cooling has been specified for the manager's office only. Internal site layout is optimised to minimise heating requirements, and take advantage of solar gain, although this will be reduced to the south elevation by coating the large glazing. Passive shading features such as canopies, brise soleil or climbing plants located to shade the glazed frontage in summer (high sun) but also to allow solar gain in the winter (low sun) could be considered in conjunction with passive ventilation features such as roof vents for cooling in the summer.
- 9.91. It is also the case a Site Waste Management Plan (SWMP) would have been conditioned had this proposal been found to be otherwise acceptable.
- 9.92. All the above sustainable measures are welcomed and could be conditioned, however, no mention is made of the projected embodied carbon of materials, or of the construction methods, which can also contribute to low embodied carbons. A whole-life carbon assessment is the best way to assess this holistically and would have been secured by condition in the event of an approval to satisfy section 3.1 of SPD17.
- 9.93. In addition, as outlined previously, there are questions raised with regard to the wider sustainability of the proposal in terms of location, sustainable transport, sustainable drainage systems, landscaping and ecology, which need to be addressed. There are therefore concerns that the proposal falls short of the requirements of Policies CP8 and DA7.

Heritage and Archaeology:

- 9.94. The proposed development is of archaeological interest due to its scale and location in close proximity to a number of prehistoric and Romano-British sites, including human burial sites, which have the potential to survive given that it has not been subject to recent ground reduction or significant disturbance.
- 9.95. Given the potential for impacts to heritage assets with archaeological interest, it would be considered necessary to impose a pre-commencement condition requiring a programme of archaeological works had the application been otherwise acceptable. This would enable any archaeological deposits and features that would be disturbed by the proposed works to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This would thus comply with Policy HE12.
- 9.96. When considering whether to grant planning permission for development in a conservation area or within its setting the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given considerable importance and weight.

9.97. There is very little inter-visibility between the site and the Woodland Drive Conservation Area. This would not change with the development except where the development would be visible from the upper part of Three Cornered Copse. The Copse provides an important green space to the houses of the conservation area and this would not change with the development. The conservation area is part of a much wider suburban area and contains a busy vehicular route. The way in which the conservation area is experienced would not change with this development in place. Its setting would therefore be preserved.

10. CONCLUSIONS

- 10.1. For the reasons set out above, there are significant concerns regarding the proposal. The proposal fails to address the requirements of national and local policy, and falls some way short of site-specific Policy DA7 and SPD15 requirements in particular.
- 10.2. There are fundamental concerns regarding the principle of developing the site for a large-scale retail use, given such a use does not accord with the strategic allocation of the site as set out in Policy DA7. This policy only allows for small-scale 'supporting ancillary' retail uses. The proposal would compromise the site's ability to accommodate further much needed housing (including affordable housing) for the city.
- 10.3. Notwithstanding the above, there are significant concerns that the proposal cannot be considered a sustainable exemplar, and it is thus contrary to Policy DA7 which seeks this. In particular, there is substantial concern regarding the lack of sustainable transport provision, which is contrary to local and national policy and SPD15. The submitted Transport Assessment is not deemed to be robust and does not fully assess the potential impacts of the proposal. The proposal would not be socially sustainable as it would not enable and support healthy lifestyles through the provision of safe and accessible infrastructure and layouts that encourage walking and cycling, or be environmentally sustainable because it would attract a high proportion of trips by private car. In addition, the proposal fails to adequately protect ground water sources from pollutants, fails to incorporate green / blue natural drainage infrastructure and would fail to provide sufficient on-site planting. Furthermore, there are significant concerns about integration with and connectivity to the adjacent THV site and wider area, the design and layout, extent and location of landscaping, impact to ecology and highway safety.
- 10.4. Whilst some of the above concerns may be able to be addressed through amendments and submission of further information, the changes needed are significant and are not pursued as part of this application, and in any event do not address the concern regarding the principle of the development.
- 10.5. Whilst there are economic benefits to the proposal, such as job creation, and there is the benefit of bringing forward a vacant site, it is considered that these do not outweigh the adopted policy conflict, particularly in light of the Council's

housing land supply position of 2.2 years, or outweigh the issues outlined above. There are considered to be no exceptional circumstances to depart from adopted policy. The proposal is therefore recommended for refusal.

11. ENVIRONMENTAL IMPACT ASSESSMENT

- 11.1. The development does not fall within Part 10 (b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment Regulations 2017) as an 'urban development project' as it has a development area of less than 1ha and is of limited floorspace. However, given the nature of the development, the site's location, the potential cumulative impact with the proposed THV development and allocation of that site, the proposal was formally 'screened' by the LPA under the EIA Regulations. It was determined that the proposal did not constitute EIA development as it was not close to further thresholds in government guidance and it would not give rise to significant environmental effects (in terms of the EIA Regulations).

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The amount of CIL liability for Larger Format Retail / Supermarkets is £100 per m². The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable if planning permission is granted.

13. EQUALITIES

- 13.1. The plans provide level access to the site despite its topography, with the disabled car parking spaces being directly in front of the store and of an acceptable size. It is anticipated that the entrance and exit doors would be sufficiently wide to allow access in by wheelchair users and that they would be automatically operated, but these details are unclear at this stage. However, pedestrian access routes are not proposed, or clearly marked, through the entire car park, leading to highways safety concerns.

14. CLIMATE CHANGE / BIODIVERSITY

- 14.1. The site is not considered to be in a particularly sustainable location and therefore there are serious concerns about the climate change implications from additional carbon emissions from all the journeys made by private motor vehicles. However, the proposal does provide an appropriate number of and location for the cycle parking spaces, and it also makes a more efficient use of brownfield land with the proposed building being well orientated thereby

providing ample daylight and sunlight to the new foodstore. It is considered that the net gain in biodiversity of approximately 4% can be increased.



**PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION**

**Cllrs. Vanessa Brown and Samer Bagaeen
BH2021/03511 - Court Farm, King George VI Avenue**

22nd October 2021:

This site is not situated in our Hove Park Ward but it is just the other side of the road so will have a very detrimental impact on our Ward. We are therefore writing to strongly object to this application. Firstly this site is not identified for a supermarket in the City Plan or the SPD for the area. It was allocated primarily for housing. There are many other supermarkets in close proximity so there is no identified need.

Our main concern is the extra traffic this will bring to an already heavily congested area. It is right on the roundabout at the top of King George V1 Avenue where there are already long tailbacks at busy times. There are plans for a right hand filter lane in the middle of King George V1 Avenue but we would argue that the entrance is too near the roundabout and the road is too narrow for this.

There is no pavement on the West side of the road, no safe crossing point, and no easy access from the 21 bus which only runs hourly anyway. At the top of a steep hill this will not encourage walking or cycling only more cars and more pollution.

A further cause for concern is the wildlife on the site. It is a rare dormouse habitat and there are many species of reptiles.

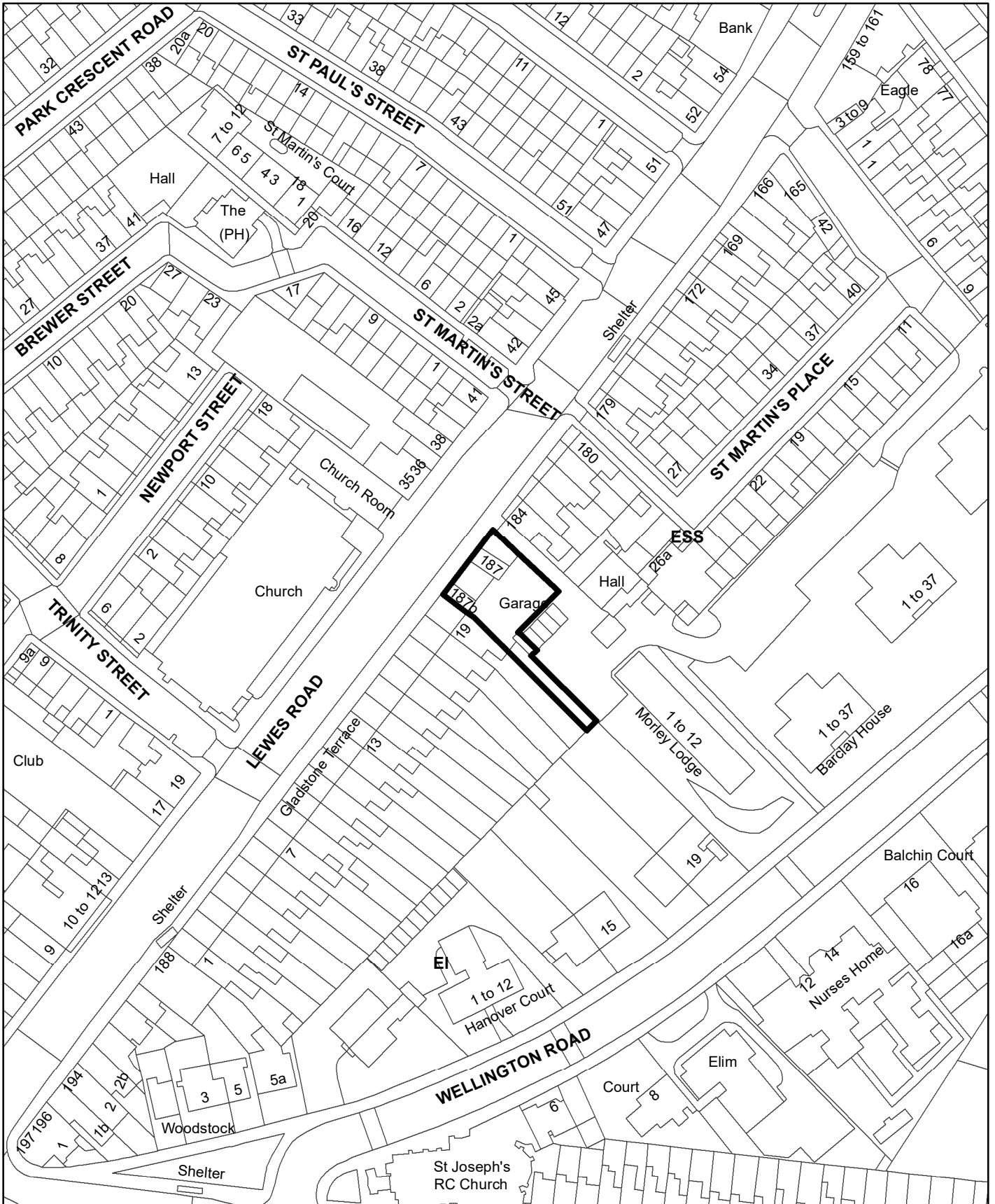
It is a completely inappropriate location.

ITEM B

**186-187 Lewes Road
BH2021/03011
Full Planning**

DATE OF COMMITTEE: 2nd February 2022

BH2021 03011 - 186-187 Lewes Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/03011	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	186 - 187 Lewes Road Brighton BN2 3LD		
<u>Proposal:</u>	Demolition of existing 3no. storey commercial and residential building. Erection of a 4no. storey mixed use development comprising 12no. one-bed flats (C3), with 1no. commercial unit at ground floor (Use Class E), with associated works.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	13.09.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.12.2021
<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>	Southdown Housing Association 2 Bell Lane Lewes BN7 1JU		

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 26 April 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:

30% Affordable Housing provision on site.

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	PA/005		9 December 2021
Proposed Drawing	PA/006		9 December 2021
Proposed Drawing	PA/007		9 December 2021
Proposed Drawing	PA/008		17 August 2021
Proposed Drawing	PA/009		9 December 2021
Proposed Drawing	PA/010		9 December 2021
Location and block plan	PA/001		17 August 2021
Report/Statement	AIR QUALITY ASSESSMENT		17 August 2021
Report/Statement	DESIGN & ACCESS STATEMENT		17 August 2021

Report/Statement	ENERGY STATEMENT REPORT		17 August 2021
Report/Statement	FLOOD RISK ASSESSMENT		17 August 2021
Report/Statement	LAND CONTAMINATION ASSESSMENT		17 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 the development hereby permitted shall take place until samples/details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority, including (where applicable):
 - a) All brick, render and tiling (including details of the colour proposed)
 - b) All cladding to be used, including details of their treatment to protect against weathering
 - c) All hard surfacing materials
 - d) The proposed window, door and balcony treatments
 - e) All other materials to be used externally

The development shall be carried out in accordance with the approved details.
Reason: In the interests of the character and appearance of the building and the visual amenities of the area and to comply with policy of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the submitted details, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times for the life of the development.
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. Prior to the first occupation of the residential element of the development hereby permitted the refuse and recycling storage facilities indicated on the approved plans shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times for the life of the development.
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.

6. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
7. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard of using not more than 110 litres per person per day maximum indoor water consumption and the implemented measures shall remain operational for the lifetime of the development, unless agreed in writing by the local planning authority.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
8. Prior to the first occupation of the non-residential development, 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 'Very Good', or a detailed report as to why this has not been technically possible, 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.
9. Mitigation measures, design criteria and specification with regards to glazing, sound insulation and mechanical ventilation contained within the document produced by Acoustic Associates Sussex Ltd, titled Planning Application Noise Assessment (2021), Date: 28 May 2021, Project: J3173 shall be fully implemented within the construction of the proposal. This includes a requirement that some form of mechanical ventilation shall be provided to the 1st Floor flats, units 4 & 5, 2nd Floor flats units 5 & 6 and 3rd Floor flats, units 11 & 12.
Reason: To safeguard the amenities of the occupiers/end users and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. In the event that any potential contamination is found during the site clearance, no further development shall take place until an approved remediation scheme has submitted and the works have been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must also be produced, and be approved in writing of the Local Planning Authority.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

11. The non-residential use in the development hereby approved shall not be open to customers except between the hours of 09:00 and 23:30 on Sundays to Thursdays and between the hours of 09:00 to midnight on Fridays and Saturdays.
Reason: To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
12. Deliveries and waste collections associated with the non-residential use in the development hereby approved shall only be taken at or despatched from the site between 08.00 and 18.00 on Mondays to Saturdays, and not at any time on Sundays or on Bank or Public Holidays.
Reason: To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
13. Prior to first occupation of the non-residential development by a use that requires the fitting of odour control equipment, a detailed scheme of such equipment shall be submitted to and approved in writing by the local planning authority. The scheme shall include measures to control the odour emitted from the use together with sound insulation of the equipment. The approved details shall be implemented in full prior to the commencement of the use and shall be retained as such thereafter.
Reason: To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
14. A bee brick and 12 swift bricks shall be incorporated within the external walls of the development hereby approved prior to first occupation 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. Notwithstanding the submitted drawings, no development above ground floor slab level shall be carried out until details of the construction of a green biodiverse roof in the area annotated as 'sedum roof' shown on the submitted plans, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and seed mix and a maintenance and irrigation programme. The green roof shall be chalk grassland and use a species that are locally native and of local provenance. The roofs shall then be constructed in accordance with the approved details before first occupation and shall be retained and maintained as agreed thereafter.
Reason: To ensure that the development contributes to sustainability and ecological enhancement on the site and in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

16. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover back to a footway by raising the existing kerb and footway.

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

17. Notwithstanding the submitted drawings, no construction above ground floor slab level shall be carried out before revised details of the front boundary wall have been submitted and approved in writing by the local planning authority. The boundary shall then be constructed in accordance with the approved details and permanently maintained thereafter.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under condition 7 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
5. 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).
6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

7. 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 where appropriate.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

2. SITE LOCATION

- 2.1. The application concerns a site located on the east side of Lewes Road. The site recently contained a single storey building in use as a garage and storage use and a three-storey building containing a take away and vacant retail unit on the ground floor with 2 flats above. Partial demolition of the site has occurred following approval on appeal of application BH2015/01736 and subsequently planning application BH2020/00239 (approved 29.09.2020) each for a new four storey building.
- 2.2. The area is of mixed use, however, immediately adjoining the site to the south is a terrace of three storey residential properties, known as Gladstone Terrace. To the north of the site there is a pedestrian alley way and then a terrace of further residential properties. The site lies outside of the Lewes Road District Shopping Centre.

3. RELEVANT HISTORY

- 3.1. **BH2020/00239** Demolition of existing 3no. storey commercial and residential building. Erection of a 4no. storey mixed use development consisting of 9no. two bed flats (C3) over the four floors and 1no. commercial unit with A1-A5 use on the ground floor, with associated works. Approved 29/09/2020
- 3.2. **BH2015/01736** Demolition of existing building and erection of four storey building with 2no commercial units comprising retail, financial and professional services or take-away (A1/A2/A5) on ground floor and 8no two bedroom flats on upper floors with associated works. Refused 21/07/2016- Appeal Allowed 22/06/2017
- 3.3. **BH2013/00892** Change of Use from car sale and garage to garage and storage use (B8). (Retrospective) Approved 16/05/2013
- 3.4. **BH2012/02887** Demolition of existing building and erection of four storey building comprising of retail, financial and professional services and take-away

(A1/A2/A5) on ground floor and 8no two bedroom flats on upper floors with associated works. Refused 18/02/2013

- 3.5. **BH1997/00724/FP** Change of use from vehicle sales business to vehicle rental business (Retrospective). Approved 28/11/1997

4. APPLICATION DESCRIPTION

- 4.1. The proposal is to develop the site with a four-storey building, attached to no. 19 Gladstone Terrace. The building would house a commercial unit and 1no one-bedroom flat at ground floor level. A further 11no one-bedroom flats would be provided on the upper floors. Extant permission BH2020/00239 permits 9no two-bedroom flats.

5. REPRESENTATIONS

- 5.1. **Councillor Gibson** has commented on the application. The correspondence is attached to the report.

6. CONSULTATIONS

External

- 6.1. **County Archaeology:** Comment

The proposed development is not situated within an Archaeological Notification Area. However, the sites lies within an area of archaeological potential. It is recommended that the developer undertakes a desk-based heritage impact assessment to clarify the archaeological significance of the site.

- 6.2. **County Ecology:** Approve subject to condition for Ecological Design Strategy

- 6.3. **Southern Water:** Comment

Comments provided regarding position of existing foul sewer, separation of drainage water and Sustainable Drainage (SuDS).

- 6.4. **Sussex Police:** No objections

Internal

- 6.5. **Environmental Health:** No objection subject to conditions

- i) Ensure compliance with recommended mitigation measures contained within submitted noise assessment.
- ii) Remediation scheme if ground contamination found during site clearance.

- 6.6. **Heritage:** Comment

The scale of the proposed development would be commensurate with the existing Victorian terraces to the north and south of the site and the use of yellow/brown brick as indicated would ensure that the development would integrate well with the existing street scene, whilst infilling the unattractive gap

part of the site. Overall the proposal would cause no harm to the setting of the listed church.

6.7. **Housing:** Comment

The layout of Flat 3, 7 & 11 are not ideal from a fire safety view as the bedrooms are inner rooms entered from the open plan kitchen/living room space.

6.8. **Sustainable Transport:** No objection subject to conditions

6.9. **Sustainability:** No objections

6.10. **Sustainable drainage:** No objections

7. MATERIAL CONSIDERATIONS

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

7.1. The development plan is:

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

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP2 Sustainable economic development

CP3 Employment land

CP4 Retail provision

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP14 Housing density

CP19 Housing mix
CP20 Affordable housing

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO15 Housing for people with special needs

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
DM5 Supported Accommodation (Specialist and Vulnerable Needs)
DM18 High quality design and places
DM20 Protection of Amenity
DM33 Safe, Sustainable and Active Travel
DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the principle of the proposed development, the suitability of the site to accommodate the proposed development having regard to the amenity requirements for the dwellings, affordable housing, the affect upon the character of the area and neighbouring residential amenity, traffic impact and sustainability.

Background:

9.2. The application follows the approval of BH2020/00239 which permitted the construction of a four-storey building with a commercial unit on the ground floor

and 9no two-bedroom flats. The key difference between BH2020/00239 and the current application is that 12no one-bedroom flats are now proposed, albeit the building itself would be largely the same in terms of height, bulk, width, footprint, position and general design approach. The lesser differences comprise:

- Revised fenestration to the front elevation. The number of windows is similar, although the windows would be larger (wider). The overall balance of solid to void would be comparable.
- Revised fenestration to the rear elevation. Similar to the front elevation, the amount of opening would be similar to BH2020/00239, but the windows would be larger (wider). Balcony doors would have less subdivisions (2 panel sliding doors rather than 4-pane units).
- Revised boundary treatment to the front of the building.
- There would be a modest overall increase in overall height of the building (0.3m).
- Addition of solar panels and air-conditioning plant to the flat roof (mechanical ventilation is required by condition 9 of BH2020/00239, but those details have not been submitted for approval to the Local Planning Authority to date).
- Introduction of additional roof terrace to front projection flat roof, and parapet/railing details to the front elevation.
- The commercial aspect of the scheme would be occupied by the Housing Association and would comprise office space and a meeting room to support occupiers of the flats. A further meeting room would be introduced on the first floor.

9.3. The key similarities are as follows:

- The overall positioning, building lines, footprint, height, bulk and form remains substantially the same, other than a modest increase in overall height (0.3m).
- The overall design approach and materials are similar, although there are some variations in fenestration as detailed above.
- The shopfront design for the retained commercial unit is similar.
- Bin and cycle storage is retained in position at the rear of the building, although this is supplemented by additional cycle storage and a smaller bin store within the front yard.

Principle of Development:

9.4. Policy CP3 seeks to resist the loss of employment uses unless the site can be shown to be redundant in some way. The existing uses on the site are a car showroom and sales (sui generis) and take away (A5) at ground floor with 2 flats above. The proposals would retain a commercial use at ground floor comprising 188sqm in Use Class E.

9.5. The proposed mixed use of residential and retail is considered acceptable in this location, where there are also other nearby examples of existing development with commercial uses at ground floor and residential over.

9.6. The existing building on the site is of no particular merit and its removal raises no concerns or objections.

Provision of Housing:

- 9.7. 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).
- 9.8. 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.
- 9.9. 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).
- 9.10. 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).
- 9.11. Policy CP1 sets out that a key objective of the City Plan is to provide people with a choice of decent quality housing to meet their needs for a stable home at a cost they can afford, whilst policy CP19 aims to improve housing choice and ensure that an appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the city. The supporting text to the policy outlines the key priorities as:
- To improve housing supply to make sure that the city has the right type of housing to meet the needs of the residents;
 - To improve the quality of housing so that residents are able to live in decent homes suitable for their needs; and
 - To improve housing support to make sure residents are supported to maintain and increase their independence.
- 9.12. Policy HO15 states that planning permission will be granted for the provision of residential accommodation for people with special needs, including supported housing.
- 9.13. Emerging policy DM5 of the City Plan Part 2 (which can be given significant weight) states that the council will seek to ensure there is an appropriate range and supply of residential accommodation for people with special needs, including supported housing.

- 9.14. The proposal is for 12no one-bedroom flats (net increase of 10 units from existing on site). The ground floor and part of the first floor would include support services for the residents run by the housing association and includes a training room, meeting rooms etc. The flats would be for people who are moving from a more intensive form of supported living to one with more independence. Whilst policies seek developments to provide a mix of accommodaton, given that the scheme seeks provide supported housing on the site and the lack of a mix in this instance is considered acceptable as it provides a need identified in saved policy HO15. The proposal is not considered to conflict with policies CP1 and CP19, and is complaint with the strategic aims of HO15 and DM5.

Affordable Housing:

- 9.15. CP20 of the City Plan Part One requires 30% onsite affordable housing provision on sites of between 10 and 14 (net) dwellings or as an equivalent financial contribution. In this instance the proposal is for 100% affordable housing. The policy requirement would be for 3 units to be affordable, based on a net increase of 10 units, and this provision can be secured by s106 agreement. The agent has proposed for the affordable housing allocation to include one larger unit suitable for dual-occupation, and two single occupancy units. This appropriately reflects the ratio of dual to single occupancy flats of the development.

Design and Appearance:

- 9.16. City Plan policy CP12 requires new development to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged. Policy QD5 requires new development to pay particular attention to street frontages.
- 9.17. The application follows the grant of BH2020/00239 which remains extant. The key difference is the internal layout of the building, and minor changes as set out in the 'background' section above. The overall size, height, form, positioning and bulk of the building would remain otherwise largely the same.
- 9.18. The acceptability of the introduction of a four-storey building on this site of substantially similar design has been established. There have been no material changes in the character and appearance of the site and surrounding area which would warrant taking a different view on this proposal, particularly whilst BH2020/00239 remains extant and a viable fall back for implementation.
- 9.19. The current application introduces a higher front boundary treatment than the extant permission. The boundary is considered excessively tall, being notably taller than neighbouring boundaries on Gladstone Terrace (although it is appreciated there are examples of tall piers). The boundary as presented would have a heavy and stark appearance. Any significant height increase over that previously approved would be expected to reduce the visual impact by breaking up the boundary with open railings or similar. It is considered appropriate to secure a revised front boundary design by condition.

Impact on Amenity:

- 9.20. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.21. The overall bulk, height and positioning of the building remain as per BH2020/00239 where the LPA raised no concerns in terms of overlooking, overshadowing, loss of light or increased sense of enclosure to occupiers of neighbouring properties. The changes to fenestration would not give rise to any significantly harmful new views towards neighbouring properties.

Standard of Accommodation:

- 9.22. Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers.
- 9.23. The proposed flats would offer living space of between 39 and 62sqm. This would be supplemented by roof terraces/balcony areas for some flats, and a communal laundry room on the ground floor. The individual flats would offer the following living spaces (unit numbers referred to are as per the submitted floor plans). Bedrooms of 11.5m² are considered to be double rooms suitable for dual-occupation:

Ground Floor Flat:

- Flat 1: 52m² overall; bedroom 1- 11.5m²; (1 bedroom; 2 occupants)

First Floor Flats:

- Flat 2: 39m² overall; bedroom 1- 8.3m² (1 bedroom; 1 occupant)
- Flat 3: 39m² overall; bedroom 1- 7.8m² (1 bedroom; 1 occupant)
- Flat 4: 44m² overall; bedroom 1- 7.6m² (1 bedroom; 1 occupant)
- Flat 5: 51m² overall; bedroom 1- 12.2m² (1 bedroom; 2 occupants)

Second Floor Flats:

- Flat 6: 62m² overall; bedroom 1- 14.2m² (1 bedroom; 2 occupants)
- Flat 7: 39m² overall; bedroom 1- 7.75m² (1 bedroom; 1 occupant)
- Flat 8: 43m² overall; bedroom 1- 7.5m² (1 bedroom; 1 occupant)
- Flat 9: 51m² overall; bedroom 1- 12.6m² (1 bedroom; 2 occupants)

Third Floor Flats:

- Flat 10: 41m² overall; bedroom 1- 10.3m² (1 bedroom; 1 occupant)
- Flat 11: 39.5m² overall; bedroom 1- 9.0m² (1 bedroom; 1 occupant)
- Flat 12: 52m² overall; bedroom 1- 13.4m² (1 bedroom; 2 occupants)

- 9.24. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new dwellings. Policy DM1 of the draft City Plan Part Two proposes to adopt the NDSS. A single bedroom should be no less than 7.5m² and a double no less than 11.5m². It is welcomed that the proposed bedrooms would exceed these sizes. The NDSS also sets out that for 1-bedroom flats 39m² should be provided

for single occupancy and 50m² for 2 occupiers (one double rooms). All 12 flats would meet or exceed the floorspace recommendations of the NDSS.

- 9.25. All bedrooms and living rooms would benefit from acceptable natural light and a reasonable outlook. It is noted that the outlook at the rear of the ground floor flat would be restricted, looking onto a small courtyard. The main living area, however, is double aspect, and it is considered that fenestration to the front elevation would prevent the overall standard of accommodation for this flat from feeling unacceptably gloomy. A similar arrangement was considered acceptable for a similar ground floor flat as permitted by BH2020/00239.
- 9.26. Some of the flats would all benefit from a small terrace or courtyard, and there is an additional shared outside space to the front of the building. Whilst much of the individual provisions are small-scale, it is commensurate with what can reasonably be expected from a flatted development in this location.
- 9.27. A noise assessment has been submitted, which assesses noise from the heavily trafficked Lewes Road. Mitigation is proposed, including Mechanical Ventilation (to prevent the frequency of windows having to be opened) and enhanced glazing. An air quality assessment has also been submitted to address vehicle emission pollution. This report also recommends mechanical ventilation, with extract away from the road (rear elevation). The Environmental Health officer has confirmed that the submitted documents appropriately assess the specific challenges of the locality. Subject to compliance with these recommendations, the proposals are considered to adequately address the issues of noise and pollution for future occupiers. The mitigation measures shall be secured by condition.
- 9.28. BH2020/00239 includes conditions specifying that a further submission shall be required if a use requiring odour controlling equipment intends to occupy the ground floor commercial unit. The submission should include details of odour control and sound insulation. Further conditions restrict operation hours of the commercial use to between 09:00 and 23:30 Sundays-Thursdays, and 09:00 and midnight on Fridays and Saturdays; and deliveries to the premises to only be between 08:00 and 18:00 on Mondays to Saturdays, and not at any time on Sundays and Bank Holidays. If granted, it is proposed that these conditions shall be reapplied to the current application.

Sustainable Transport:

- 9.29. Policy CP9 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport.
- 9.30. Nineteen cycle parking spaces are proposed which is in accordance with guidance within SPD14. The cycle storage provision would include a store to the rear, and racks within the front garden area. Further details of the cycle storage, including details of how bicycles would be appropriately secured and covered shall be secured by condition.

- 9.31. SPD14 sets out maximum parking standards. In this development, no off-street car parking is proposed.
- 9.32. It is not considered that additional dwellings would result in a significant uplift in person and vehicle trips compared to the extant permission, given that bed spaces would be reduced. The development is not considered to have a severe impact on the highway and surrounding transport network. The site is located within Controlled Parking Zone (CPZ) V which will ensure any additional on-street parking in the immediate vicinity is managed.
- 9.33. SPD14 outlines how restrictions in access to on-street parking permits will be considered for developments where the impact of overspill parking is considered unacceptable. These impacts may include localised increases in demand which can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase. On the basis that BH2020/00239 makes no restriction on resident access to parking permits, and that the expected parking demand would be similar, it is not considered reasonable in this instance to restrict parking access beyond the previous permission.
- 9.34. There would be a redundant vehicle crossover following the development which served the former car showroom on the site. The reinstatement of the crossover back to pedestrian footway shall be secured by condition.
- 9.35. The Transport Officer raised a concern about the scheme as originally presented, due to the hazard presented by a bin store with doors opening over the public footway. It is welcome that the bin store to the front of the site has been reconfigured so that the door open into the front yard.
- 9.36. In conclusion, it is considered that the transport issues are acceptable subject to a condition requiring further details of the cycle parking and reinstatement of the redundant vehicle crossover.

Sustainability:

- 9.37. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This shall be secured by condition. It is welcomed that the development incorporates ground source heat pumps and solar panels.
- 9.38. CP8 also requires non-residential development to achieve a BREEAM rating of at least 'Very Good'. This can also be secured by condition.

Ecology:

- 9.39. It is noted that the County Ecologist has recommended an approval subject to a condition for a full ecological design strategy (EDS). It is noted that the currently extant consent for a building of very similar scale, bulk and mass does not include a condition for an EDS and therefore it is not considered that the differences in this application would be sufficient to warrant this requirement. It is however considered that matters to secure bee bricks, an appropriate number

of swift boxes and details for the green roof could be secured by condition and is recommended as such.

Other Considerations:

- 9.40. A land contamination assessment has been submitted with the application. The investigation concludes that further investigation will be required once all the buildings on the site have been demolished and removed. At present, no remediation is required but this is subject to the further site investigation. The recommended additional investigation can be secured by condition.
- 9.41. The development is not situated within an Archaeological Notification Area. However, the County Archaeologist has provided comments which suggest that the site lies within an area of archaeological potential and recommended the applicant provides an exploratory desk-based heritage impact assessment. Given the site is not within a designated notification area, and that there is an extant permission to develop the site with a building of similar footprint and scale, it is not considered reasonable to condition exploratory works in this instance.
- 9.42. Policy CP10 states that the council will develop programmes and strategies which aim to conserve, restore and enhance biodiversity and promote access to it. Two such initiatives are the requirement for new development to incorporate bee bricks and swift bricks/boxes. In addition, the County Ecologist has recommended that further details of the green roof are sought. The provision of 12 swift bricks, a minimum of 1 bee brick and full green roof specification shall be secured by condition.
- 9.43. The Environmental Health Officer has recommended conditions to secure the submission a Construction Environment Management Plan and a Site Waste Management Plan. Given that there is an extant permission to construct a building of similar size and nature to that currently proposed which does not make this requirement, it would not be considered reasonable to apply such conditions to the current development.

Conclusion:

- 9.44. The proposed scheme is considered acceptable, the scale and bulk is largely the same as the previous consent and the provision of additional supported housing in the city is welcomed. Therefore the application is recommended for approval.

10. EQUALITIES

The scheme would provide supported housing.

11. LEGAL AGREEMENT

- 11.1. In the event that a signed agreement has not been submitted by the applicant agreeing to enter into necessary obligations in relation to Affordable housing by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails to provide affordable housing in accordance with Policy CP20 of the Brighton and Hove City Plan Part One.

12. COMMUNITY INFRASTRUCTURE LEVY (CIL):

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 applicant has indicated that the proposal is for affordable housing which qualifies for mandatory or discretionary Social Housing relief. This type of development is exempt from CIL charging.

13. CLIMATE CHANGE / BIODIVERSITY:

The proposed development makes more efficient use of a redundant mixed-use site. The building would be well situated for future occupants to have good access to travel options other than motor-vehicle, including nearby public transport and cycle lanes. Future residents would benefit from access to cycle storage, full details of which are secured by condition. Suitable conditions would ensure efficient use of energy and water, and it is welcomed that the applicant would utilise solar panels and ground source heat pumps within the development.

- 13.1. As stated above, the introduction of swift and bee bricks is secured by condition as are details of the green roof.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. David Gibson
BH2021/03011 - 186-187 Lewes Road

7th October 2021:

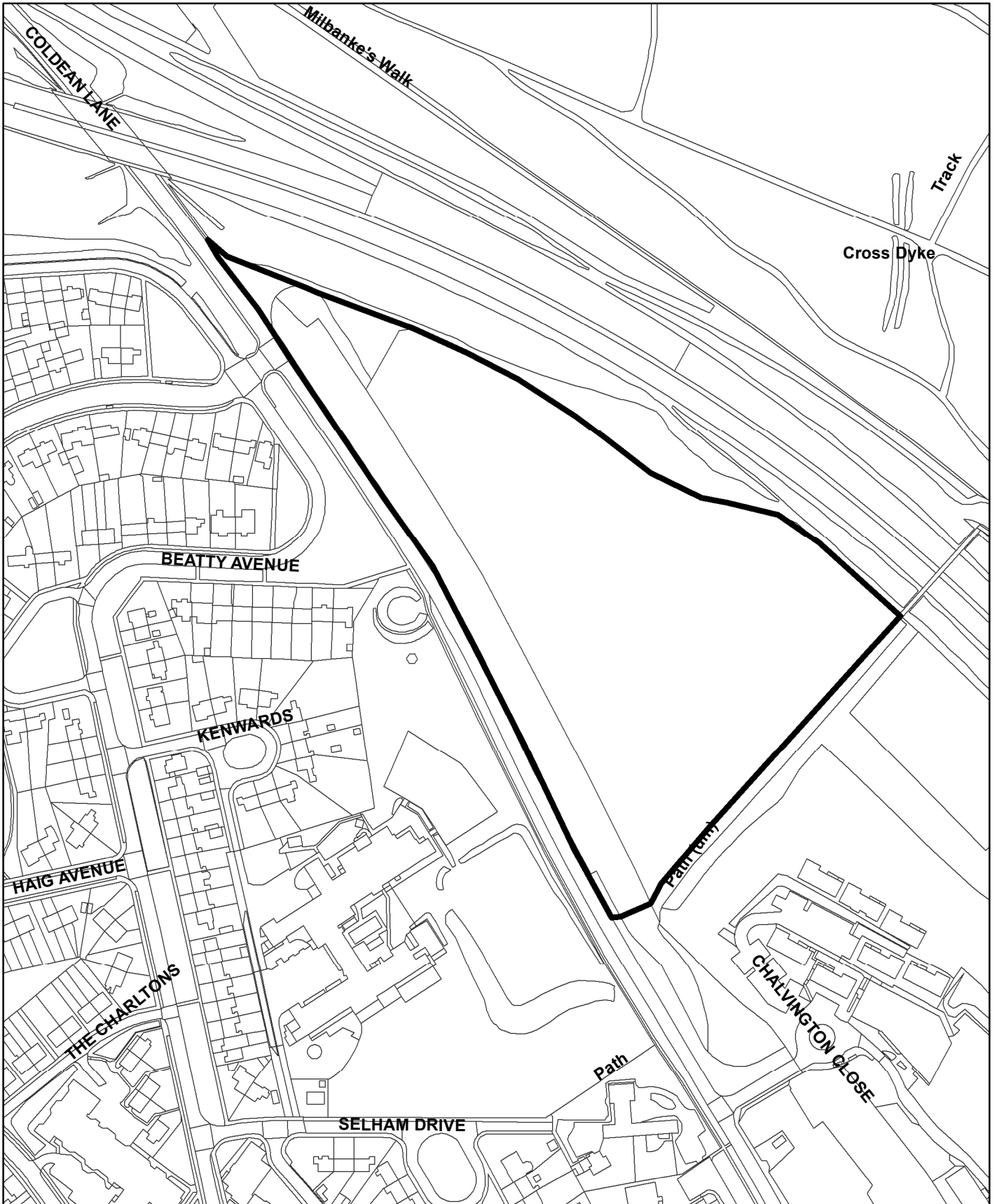
I support this application will achieve 100% affordable rents run by Southdown Housing Association

ITEM C

**Land to the East of Coldean Lane
BH2021/03525
Removal or Variation of Condition**

DATE OF COMMITTEE: 2nd February 2022

BH2021 03525 - Land to the East of Coldean Lane



N



Scale: 1:2,500

<u>No:</u>	BH2021/03525	<u>Ward:</u>	Hollingdean And Stanmer
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Land to the East of Coldean Lane North of Varley Halls South of A27		
<u>Proposal:</u>	Variation of Conditions 1 and 13 of BH2018/03541 (Erection of 2no seven storey buildings and 4no six storey buildings (including lift overruns) to provide 242no residential dwellings (C3), 162 car parking spaces, 365 cycle parking spaces, new access from Coldean Lane; associated landscaping incorporating areas of play/amenity space/active learning and substations.) to allow alterations to access, elevations and landscaping, the arboricultural impact assessment and tree protection plans and the updating of outstanding pre-commencement conditions.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	12.10.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11.01.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Tristan Millward HGP Architects Furzehall Farm 110 Wickham Road Fareham PO16 7JH		
<u>Applicant:</u>	Steve Cripps PMC Railway House 119 High Street Cosham PO6 3DR		

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 **APPROVE** planning permission subject to the following Conditions and Informatives as set out hereunder.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	18.003.001		16 November 2018
Existing Drawing	18.003.002		22 November 2018
Existing Drawing	18.003.003		22 November 2018
Proposed Drawing	18.003.100	A	10 June 2019
Proposed Drawing	18.003.101	B	10 June 2019
Proposed Drawing	18.003.102	A	10 June 2019
Proposed Drawing	18.003.103	A	10 June 2019
Proposed Drawing	18.003.104	A	10 June 2019
Proposed Drawing	18.003.105	A	10 June 2019
Proposed Drawing	18.003.106	A	10 June 2019
Proposed Drawing	18.003.107	A	10 June 2019

Proposed Drawing	18.003.108	A	10 June 2019
Proposed Drawing	18.003.109	A	10 June 2019
Proposed Drawing	18.003.110		22 November 2018
Proposed Drawing	18.003.111		22 November 2018
Proposed Drawing	18.003.112		22 November 2018
Proposed Drawing	18.003.113		22 November 2018
Proposed Drawing	18.003.120		22 November 2018
Proposed Drawing	18.003.121		22 November 2018
Proposed Drawing	18.003.122		22 November 2018
Proposed Drawing	18.003.123		22 November 2018
Proposed Drawing	18.003.130		22 November 2018
Proposed Drawing	18.003.131		22 November 2018
Proposed Drawing	18.003.132		22 November 2018
Proposed Drawing	18.003.133		22 November 2018
Proposed Drawing	18.003.140		22 November 2018
Proposed Drawing	18.003.141		22 November 2018
Proposed Drawing	18.003.142		22 November 2018
Proposed Drawing	18.003.143		22 November 2018
Proposed Drawing	18.003.150	A	10 June 2019
Proposed Drawing	18.003.151	A	10 June 2019
Proposed Drawing	18.003.152	A	10 June 2019
Proposed Drawing	18.003.153		22 November 2018
Proposed Drawing	18.003.160		22 November 2018
Proposed Drawing	18.003.161		22 November 2018
Proposed Drawing	18.003.162		22 November 2018
Proposed Drawing	18.003.163		22 November 2018
Report/Statement	External Lighting Strategy CPW-180758-E-EXT-01	P3	22 November 2018
Report/Statement	Landscape Open Space Strategy	Rev E	10 May 2019
Report/Statement	Design Addendum		11 June 2019
Proposed Drawing	19099-HGP-XX-XX-DR-A-0027	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0028	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0029	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0030	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0031	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0032	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0033	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0034	P1	30 September 2021

Proposed Drawing	19099-HGP-XX-XX-DR-A-0035	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0036	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0037	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0038	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0039	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0040	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0041	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0042	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0043	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0044	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0045	P1	30 September 2021
Arboricultural Report	Tree Survey Schedule		30 September 2021
Proposed Drawing	A-325	P1	13 December 2021
Proposed Drawing	326	C3	13 December 2021

2. Not used
3. Development shall be carried out in accordance with the material details approved under BH2021/00548.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD5 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. An example bay study showing full details of windows and their reveals and sills including 1:20 scale elevational drawings and sections shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. 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.
5. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove

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

6. The archaeological works shall be carried out in accordance with the details approved under BH2020/00910.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policies HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
7. The archaeological site investigation and post-investigation assessment shall be carried out in accordance with the details approved under BH2021/00294.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policies HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
8. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with Policy CP12 of the Brighton & Hove City Plan Part One.
9. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted beforehand in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with Policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
10. Prior to occupation of the development hereby permitted, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other

- protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;
 - d. details of all communal food production areas, bed and receptacles;
 - e. details of locations for mulching and composting and/or the provision of communal composting bins.

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.

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

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

12. Prior to the first occupation of the development hereby approved, precise details for the formation of the woodland walk including no-dig construction, surface materials and containment shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

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

13. No works to any trees shall commence (including all preparatory work) until the protection measures identified in the submitted Tree Survey Schedule on drawing nos. PJC/5889/21/B Sheet numbers 1 of 5, 2 of 5, 3 of 5, 4 of 5 and 5 of 5, dated 13 September 2021 and received on the 30 September 2021; are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

14. The development shall be implemented in strict accordance with the details of tree protection monitoring and site supervision by a suitably qualified tree specialist approved under BH2020/03500.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with Policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.
15. Prior to first occupation/use of the development hereby permitted, details of secure, inclusive and accessible 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 and SPD14: Parking Standards.
16. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.
17. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
18. Notwithstanding the plans hereby permitted, details of the design of internal streets and spaces shall be submitted to and approved in writing by the Local Planning Authority and the Local Highway Authority within three months of the date of the development hereby approved. The submitted scheme shall -
- A. Include full details, of the following -
 - i. Geometry and layout, including dimensions and visibility splays
 - ii. Pavement constructions and surfacing, kerbs and edge restraints
 - iii. Levels and gradients

- iv. Lighting
 - v. Drainage
 - vi. Street furniture
 - vii. Trees and planting
 - viii. Traffic signs and road markings
- B. Have been developed through engagement with disabled user groups and others who may be negatively impacted by any shared surface and/or level surface proposals;
- i. Be supported by a statement detailing that engagement and steps taken in response, as well as an equality impact assessment.

Thereafter the approved shall 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, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

19. The development hereby permitted shall not be occupied until the pedestrian crossing points and refuges islands on Coldean Lane, associated dropped kerbs and tactile paving has been installed at the crossing points between Coldean Lane and within the site.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

20. Notwithstanding the plans hereby approved, prior to commencement of development above ground floor slab level, a car parking management plan shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following -

- Allocation of spaces between different types including, motor-cycles, disabled, car club, and bays with passive and active electric vehicle charging points.
- Allocation of spaces between residents and visitors.
- A scheme for conveying allocations to occupiers of the development.
- A scheme to bring spaces with passive electric car charging points into active service.
- Controls to limit access to and within parking areas, particularly on 'Match Days'.
- A scheme to provide security for users of parking areas.
- A scheme to ensure the safety of pedestrians when vehicles of all kinds are manoeuvring within the car park.

The approved Car Parking Management Plan shall be fully implemented prior to first occupation of the development and thereafter maintained.

Reason: To ensure that adequate parking provision is retained and prevent excess overspill onto surrounding streets, and to comply with policy TR7 and TR18 of Brighton & Hove Local Plan policy, policy CP9 of the Brighton and Hove City Council City Plan Part One, and SPD14 Parking Standards.

21. Within three months of the date of first occupation a Travel Plan for the development has been submitted to and approved in writing by the Local

Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with Policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

22. Not used

23. The wheelchair accessible dwelling(s) hereby permitted as detailed on the plans hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

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

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

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

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

26. Prior to first occupation of the development hereby approved, details of the photovoltaic array to the flat roofs of each block shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

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

27. The construction shall be carried out in accordance with the CEMP approved under BH2021/00548.

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, 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.

28. Access to the flat roofs of the buildings hereby approved shall be for maintenance or emergency purposes only and shall not be accessed for any other purpose.

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.

29. Details of safety systems around the internal perimeter of the flat roof of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

30. A Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. 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.

31. Prior to occupation, an updated "lighting design strategy for biodiversity" which takes account of the revised layout hereby approved which includes security of occupants and visitors, shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

All external lighting shall have:

- i. Zero upward light ratio street lamps that should be 0.0% when installed, and the inclination fixed;
- ii. Colour temperatures of 3000K rather than 4000+;
- iii. Enable dimming options on curfews;
- iv. Follow the approach adopted by Hampshire and West Sussex County Council regarding part night lighting to reduce carbon emissions

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and / or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an

offence under relevant wildlife. To comply with Policy CP10 of the Brighton & Hove City Plan Part One.

32. A scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
 - b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved);
 - d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development meets the housing needs of the city and to comply with Policy CP20 of the Brighton & Hove City Plan Part One.

33. A drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker within three months of the date of the development hereby approved. 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.

34. A detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 22 November 2018 shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. 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.

35. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord

with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

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

36. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with Policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

37. An additional dormouse survey is required to ascertain absence or presence and the extent to which they could be affected by the development hereby approved. The findings of the surveys shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved, and shall include suitable mitigation measures.

Reason: The submitted surveys did not meet the minimum effort to have confidence in a negative result. The outcome of the surveys will determine if a license is required. To ensure that any adverse environmental impacts of development are mitigated and compensated and in accordance with Policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

38. The works shall be carried out in accordance with the Biodiversity Method Statement (BMS) approved under BH2021/03024 and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and in accordance with Policies QD16 and QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

39. The works shall be carried out in accordance with the Ecological Design Strategy (EDS) approved under BH2021/03024 and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development are mitigated and compensated and to provide a net gain for biodiversity in accordance with Policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

40. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan; and
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features and to accord with Policies QD15, QD27, NC3 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

41. Details of active play and learning equipment to be provided in the equipped area/s of play shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. The approved equipment shall be installed before the first occupation of the development or its completion, whichever is sooner.
- Reason:** To ensure the provision of satisfactory equipped area/s of play and for the amenities of the development, in accordance with the provisions of Policies HO5 the Brighton & Hove Local Plan and CP10 of City Plan Part One.
42. A scheme for protecting the proposed dwellings from noise from the A27 and Coldean Lane shall be submitted to and approved by the Local Planning Authority within three months of the date of the development hereby approved. As per the recommendation contained within the Environmental Noise Survey and Acoustic Design Statement Report produced by Hann Tucker Associates (Reference: 25354/ADS1- Rev 3 and dated 13th November 2019), an alternative ventilation scheme which does not require the opening of windows to provide fresh air flow and background ventilation is required. Each unit shall utilise a whole dwelling ventilation scheme incorporating suitable acoustic attenuation. The specification of glazing units shall also be provided.

Reason: To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.

43. If notified that the results of further intrusive site testing and site walk over by a geotechnical engineer are such that site remediation is required, then:
- A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
 - The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a written verification report by a competent person that any remediation scheme required and approved under the provisions of condition 1. has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).
 - Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) Built drawings of the implemented scheme;
 - b) Photographs of the remediation works in progress;
 - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

44. The works shall be carried out in accordance with the details approved under BH2021/00808 and the approved system and infrastructure shall be provided as part of the ground and construction works.

Reason: To ensure the site is network ready and to comply with the sustainability requirements of 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 advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway

approval from the Local Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The water efficiency standard required under Condition 24 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or www.southernwater.co.uk.
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or www.southernwater.co.uk.
8. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or www.southernwater.co.uk.
9. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
10. Under section 1 of the Wildlife and Countryside Act 1981 any person who intentionally injures a wild bird, or damages or destroys the nest of any bird while that nest is in use or being built is guilty of an offence. This means that works to trees with nests in them should be timed to avoid the bird nesting season if possible, generally April to September.

The Wildlife and Countryside Act 1981 (as amended) states that all birds (except those listed in schedule 2 of the Act), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence.

Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as substituted by the Countryside and Rights of Way Act 2000) or any Acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests, whilst being built or in use. Should you require any further information on this subject please contact Natural England on 0300 060 3900 or enquiries@naturalengland.org.uk.

11. Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. Trees should be inspected before any works commence and if the presence of bats is suspected advice will need to be sought from Natural England via the Bat Line on 0845 1300228. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).

You are advised that a tree has the potential to support roosting bats. Bats and their roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, etc) Regulations 1994. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Further advice on bats can be obtained from Natural England on 01476 584800.

12. The applicant is advised that no mechanical excavation is allowed within 3 metres either side of the Southern Gas Networks pipeline. Vehicle crossings over the pipeline should be kept to a minimum and must be crossed at 90 degrees. The crossing will require the agreement of Southern Gas Networks (SGN) and may require design and calculations, as evidence to prove there is minimal added stress to the pipeline. Method statements must be agreed before works commence.

The pipeline is of prime importance to gas supplies of this area. It is essential that the applicant complies with the restrictions detailed below and in the SGN/W1/SW/2 in order to protect plant and equipment and for the safety of the applicant's operatives. A SGN representatives must be contacted before any works commence. Further guidance/restrictions are detailed below:

1. No mechanical excavation is allowed within 3 metres each side of the pipeline.
2. No plant or storage of equipment shall be made within any easement strip.
3. If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne

by the promoter of the works. A minimum clearance of 600mm is required.

4. All precautions stated in publication SGN/WI/SW2 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SGN/WI/SW2 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
5. No thrust boring shall take place within 3 meters of the pipeline.
6. All planting within the easement strip should comply with 'Notes for Guidance on Tree Proximity'.
7. Before commencing work on site you must contact SGN's Pipeline Maintenance Section on the number above at least three days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high-pressure gas pipelines can then be discussed.
8. Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.
9. This pipeline is cathodically protected and as such has test cables located in test posts, were these to be lost through this work we would look to you for remedial action at no cost to SGN.
10. Intrusive construction methods will require an agreed method statement prior to work starting.
11. Any extended period of SGN site supervision may incur charges to the applicant. These will be charged based on visiting times, materials and occurrences. The Applicant will be informed when these come into effect and be invoiced direct.
12. Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline.

2. SITE LOCATION

- 2.1. This triangular-shaped application site of approximately 3.38 hectares is located to the north east side of Coldean Lane and noticeably rises up the steep slopes of the coombe toward the cutting of the A27 bypass. The site is contained by mature trees, the remnants of former woodlands. Varley Halls, an existing Halls of Residence for university students, is located downhill to the to the southeast of the site on Chalvington Close. Works in relation to the approved development (see relevant history) commenced 31 May 2021.
- 2.2. The site is not within a conservation area, although the Stanmer Village Conservation Area is located on the other side of the A27 bypass, and does not contain any listed buildings. Despite severance by the A27 bypass, the site remains parts of the Grade II Stanmer Park Registered Historic Park and Garden. The site is designated as Open Space, a Nature Improvement Area

(NIA) and a Local Wildlife Site (LWS) by reason of being a proposed Local Nature Reserve (LNR). Part of the site is also identified as 'Urban Fringe' and it is within a Source Protection Zone and an Archaeological Notification Area.

3. RELEVANT HISTORY

- 3.1. **BH2018/03541:** Erection of 2no seven storey buildings and 4no six storey buildings (including lift overruns) to provide 242no residential dwellings (C3), 162 car parking spaces, 365 cycle parking spaces, new access from Coldean Lane; associated landscaping incorporating areas of play/amenity space/active learning and substations. Approved 23 March 2020

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the variation of Conditions 1 and 13 of application BH2018/03541 to allow alterations to the following:
- Site access, from a central reservation lane on Coldean Lane for northbound vehicles to turn right into the site to left in only;
 - Elevations in respect of the addition of support posts to all six blocks and a slight reduction in the height of Block A;
 - The removal of 19 further trees, result in changes to the arboricultural documentation; and
 - The updating of outstanding pre-commencement conditions (nos. 4, 18, 30, 32, 33, 34, 37, 41 and 42) because works have commenced on site.

5. REPRESENTATIONS

- 5.1. **Two (2) objections** were received, raising the following concerns:
- Local residents were assured that the treeline along Coldean Land would be protected to act as a visual and safety screen. The proposed removal of another 19 mature trees is an absolute disgrace.
 - Why were the drainage and detailed groundwork information not available at the time of the original report?
 - This poorly planned and poorly executed housing development is turning out to be a vastly different from expected.
 - A valuable wildlife site has now been completely destroyed, healthy trees are being felled and the danger from the continual fast traffic on Coldean Lane is only now being taken seriously.
 - It will be years before the 'early mature' trees can function as mature trees.

6. CONSULTATIONS

External

- 6.1. **Brighton and Hove Archaeological Society:** Suggestion to contact the County Archaeologist for their recommendations

- 6.2. **County Archaeology:** No significant archaeological remains are likely to be affected by these proposals
- 6.3. **Ecology:** Support, subject to the recommended mitigation being implemented
- 6.4. **South Downs National Park Authority (SDNPA):** The continued intention to provide a pedestrian crossing and refuge is welcomed and, where it is necessary for trees to be removed, replacement planting of a suitable native species mix should be sought elsewhere within the site.
- Internal
- 6.5. **Arboriculture:** A commitment to plant an appropriate amount of compensatory trees through the discharge of the landscaping condition is acceptable given that elm disease and ash dieback has dramatically increased the proposed removals.
- 6.6. **Heritage:** No comments
- 6.7. **Highways:** Recommend approval

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. Section 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 Joint Area Action Plan (October 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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design
CP13 Public streets and spaces

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
SU3 Water resources and their quality
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
NC3 Local Nature Reserves (LNRs)

Brighton & Hove City Plan Part 2:

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

DM18 - High quality design and places
DM20 - Protection of Amenity
DM22 - Landscape Design and Trees
DM33 - Safe, Sustainable and Active Travel
DM37 - Green Infrastructure and Nature Conservation
DM42 - Protecting the Water Environment

Supplementary Planning Documents

SPD06 Trees and Development Sites
SPD11 Nature Conservation and Development

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to design, trees, landscaping and ecology, neighbouring amenity and highways.

Design:

9.2. The design alterations include the addition of support posts to all six blocks and a slight reduction in the height of Block A;

9.3. Support posts are proposed to the two central sets of balconies as well as to the inner sides of the outer-most balconies on the front elevation to all six blocks. To the left side elevation, an additional support post is proposed to the front wrap-around balconies. There are four sets of balconies to the rear elevation and each of them would feature another support post. The balcony

posts are proposed to be steel and painted anthracite grey (RAL 7016) to match the approved posts as well as the window frames and doors. Given that these are required for structural reasons following detailed design following permission being granted and that their design matches the approved support posts, no objections are raised on aesthetic grounds.

- 9.4. There is also proposed to be a slight reduction in the height of the front and rear parapets of Block A. Given this is negligible, no objections are raised.
- 9.5. As such, the proposed alterations would be compliant with City Plan Part One Policy CP12 and emerging Policy DM18 of City Plan Part Two as well as paragraphs 130 and 135 of the NPPF. These mean that developments are visually attractive as a result of good architecture, create places that are safe and their quality is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Trees, Landscaping and Ecology:

- 9.6. The approved Arboricultural Impact Assessment (AIA) required the removal of 43 trees largely on the basis of sound arboricultural management and not as a result of the proposed development. The 62 trees proposed to be felled, both as part of this application and as approved, would be a mixture of category B, C and U and it is noted that three of the B category trees have significant folia dieback due to Dutch Elm Disease.
- 9.7. It is also noted that there has been an outbreak of ash dieback, which has decimated trees along the frontage to Coldean Lane. None of these were subject to any kind of protection, by way of a Tree Preservation Order or by condition.
- 9.8. The approved landscaping drawings proposed 200 new trees to be planted given that it had already been anticipated that some additional trees may need to be felled. In this case, due to the revised location of the drainage outfall (discharge point), to facilitate the construction of the bellmouth entrance, conflict with a footpath and parking bays, the external ground having to be cut back to allow the construction of the buildings and trees not being worthy of retention due to existing defects, 19 additional trees will be felled.
- 9.9. 29 trees were felled due to disease previously, four are proposed to be removed as a result of the disease spreading, two are proposed to be removed due to defects and 13 would be removed due to the proposed changes.
- 9.10. Based on a measurement of trees trunks, the 33 trees to be removed have been categorised in terms of their maturity. 5 of these would be young, 1 young to semi mature, 9 semi mature, 1 semi to early mature, 13 early mature and 4 mature.
- 9.11. Condition 10 of BH2018/03541 required a detailed landscaping scheme to include “{i a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery

stock type, supplier and defect period}”. It will therefore be ensured that the developer plants an appropriate amount of compensatory trees through the discharge of this condition. This is considered acceptable on this particular site.

- 9.12. Although the tree loss is regrettable, it is not considered to significantly impact on the agreed ecological mitigation for the site. The drainage run buffer is just over 10m from an inactive outlier badger sett, which was recently closed due to the location of the drainage outfall, and an even greater distance from the main sett badger, which is still active. This is considered acceptable. It should be noted that the Biodiversity Method Statement (BMS), the Ecological Design Strategy (EDS) and Landscape and Ecological Management Plan (LEMP) were updated to account for the badger setts and drainage changes, resulting in the re-discharge of Conditions 38 and 39 (ref. BH2021/03024). An ecologist would oversee the digging of the excavation trenches for the proposed new foul outfall, but it is not safe to hand dig excavations at a depth of 2m. As such, the impact on ecology is considered acceptable.

Impact on Neighbouring Amenity:

- 9.13. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.14. It is considered that there would be no material impact on amenity from the proposed changes in line with Local Plan Policies SU10 and QD27 and emerging CPP2 Policy DM20 (which can be given significant weight).

Impact on Highways:

- 9.15. The main change is to the site access. This was approved with a central reservation lane on Coldean Lane for northbound vehicles to turn right into the site. Vehicles exiting the site could only turn left towards the south. Following discussions with the Local Highways Authority (LHA), highways safety concerns have been raised in respect of a build-up or tail-back of vehicles heading northbound being created by traffic waiting to turn into the site, and vehicles travelling southbound from the A27 roundabout tending to do so at high speed. The revised site access of left in only is considered to resolve this issue. Vehicles exiting the site could still turn left as well as right now that the central reservation lane is no longer proposed.
- 9.16. It is considered necessary to revise Condition 18 regarding street design on the basis that a Road Safety Audit would not be necessary because the single street within the development is primarily for car park access in a low speed environment, it is not a through route and would not be adopted by the LHA. It is worth noting that a RSA has been undertaken for the works on the existing public (adopted) highway. The retention of the pedestrian island is supported.
- 9.17. All other highways issues can be resolved through a S278 Agreement and therefore the revised proposal would result in an acceptable impact on the local highways network.

10. CONCLUSIONS

- 10.1. The proposal would result in the loss of additional trees, but this can be acceptably mitigated by condition, and an improvement in highways safety to the site entrance and Coldean Lane. No concerns are raised on design, ecology or neighbouring amenity grounds. Therefore, it would be compliant with City Plan Part One Policies CP10, CP12 and CP13, Local Plan Policies QD15 as well as emerging CPP2 Policy DM22. As such, it is considered acceptable to amend these conditions in the manner proposed and this application is recommended for approval.

11. EQUALITIES

- 11.1. None beyond those identified by the original application.

12. CLIMATE CHANGE / BIODIVERSITY

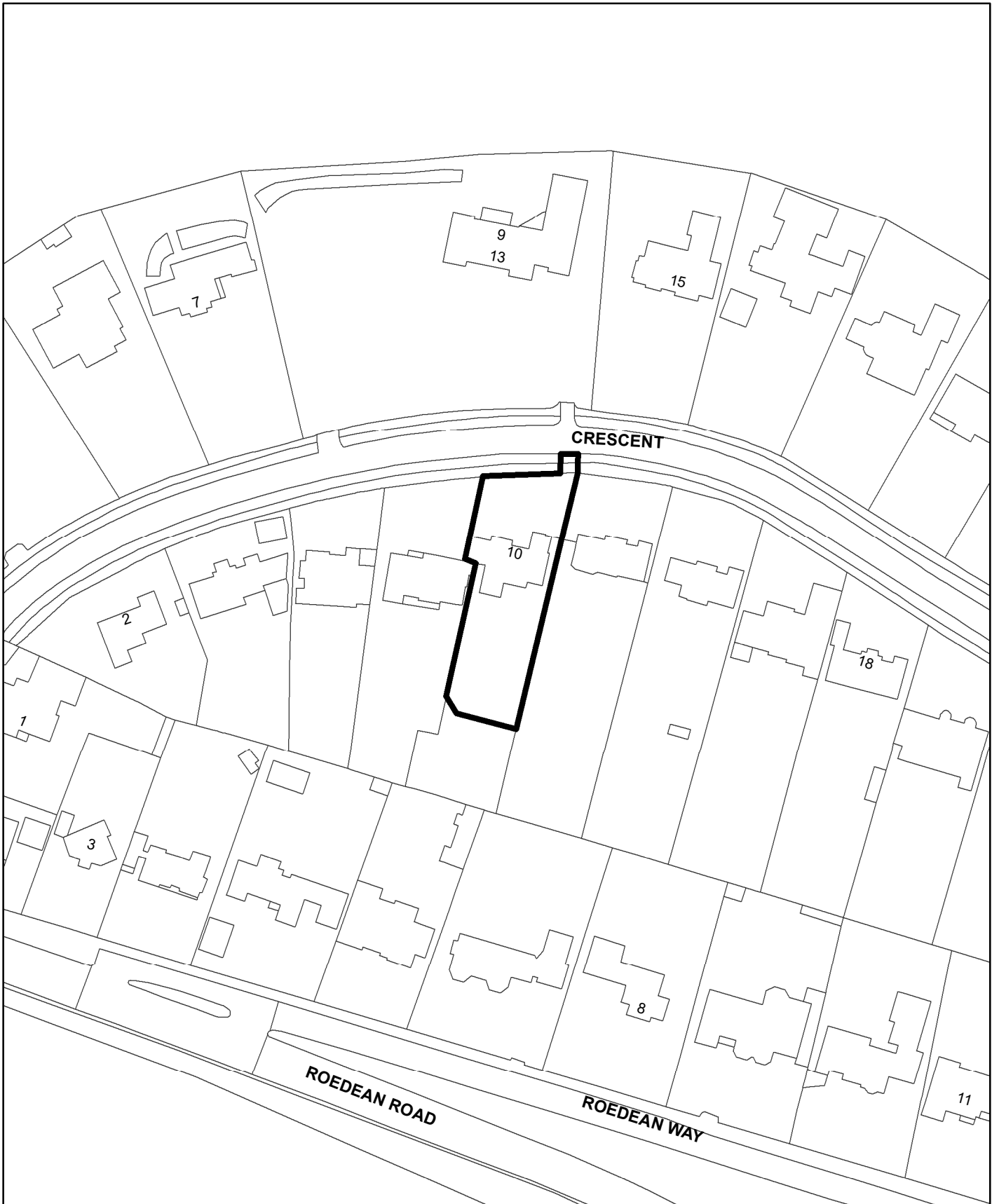
- 12.1. The material issues relating to climate change / biodiversity have already been set out above. This section is for highlighting and bringing together factors which benefit climate change and / or biodiversity.
- 12.2. The proposal results in the removal of an additional 19 trees and therefore there are concerns about the implications for CO2 absorption and ecology from this. However, there is a sound basis for removing these and a condition does provide a means of mitigating against this through securing appropriate replacement tree planting via condition. In addition, the original scheme contained conditions to enhance biodiversity and include sustainable drainage measures, install bird boxes and protect ecology.

ITEM D

**10 Roedean Crescent
BH2021/03117
Full Planning**

DATE OF COMMITTEE: 2nd February 2022

BH2021 03117 - 10 Roedean Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2021/03117	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	10 Roedean Crescent Brighton BN2 5RH		
<u>Proposal:</u>	Demolition of existing dwelling and erection of a 5no bedroom house (C3) including excavation of lower ground floor, vehicle lift, landscaping and associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	23.09.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	18.11.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.01.2022
<u>Agent:</u>	Turner Associates Ltd 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Mr & Mrs David & Lisa Brierley 10 Roedean Crescent Brighton BN2 5RH		

This application was deferred from Planning Committee on the 12th January to allow Members to carry out a site visit.

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	TA1352/01	C	3 December 2021
Proposed Drawing	TA1352/10	E	3 December 2021
Proposed Drawing	TA1352/11	A	27 October 2021
Proposed Drawing	TA1352/12	D	27 October 2021
Proposed Drawing	TA1352/13	B	3 December 2021
Proposed Drawing	TA1352/14	A	27 October 2021
Proposed Drawing	TA1352/15	C	3 December 2021
Proposed Drawing	TA1352/16	C	3 December 2021
Proposed Drawing	TA1352/17		27 October 2021
Proposed Drawing	TA1352/18	B	27 October 2021
Proposed Drawing	TA1352/19	E	3 December 2021
Proposed Drawing	TA1352/20	D	27 October 2021
Proposed Drawing	TA1352/21	E	3 December 2021
Proposed Drawing	TA1352/22	E	3 December 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 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.

4. Access to any areas of flat roof of the development hereby approved, other than those annotated as balcony/ terrace on the approved plans, 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.

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.

- i) The development hereby permitted shall not be commenced until a programme of archaeological works has been secured in accordance with a Written Scheme of Investigation which 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.

7. 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.

8. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until protection measures with regard to the two Cherry Trees located within the front verge, are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

9. 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.

10. Prior to occupation of the development hereby permitted, a scheme for landscaping to the front garden 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 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.

11. The development hereby permitted shall not be occupied until the redundant vehicle crossover to the western side of the drive on Roedean Crescent has been converted back to a footway by raising the existing kerb and footway.

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

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

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

13. The development hereby permitted shall not be occupied until secure covered cycle parking facilities have been installed within the site 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.

14. Prior to first occupation of the development hereby permitted 3 (three) swift bricks/boxes shall be incorporated within the external walls of the development 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 residential unit hereby approved shall not be occupied until the solar panels are in full operation, and it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

16. The residential unit hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

17. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be

retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

18. The privacy screen shown on the eastern elevation of the first floor balcony (approved plans ref. TA1352/16 rev C and TA1352/21 rev. D) shall be installed prior to the use of the balcony, and maintained thereafter at a height of at least two metres and obscure glazed or otherwise treated to prevent views through.

Reason: to safeguard the amenity of neighbouring occupiers from overlooking, in accordance with Policy QD27 of the Brighton & Hove Local Plan.

19. Prior to the first use of the ground floor terrace, a privacy screen shall be installed of at least two metres in height, across the depth of the terrace, and obscure glazed or otherwise treated to prevent views through. The privacy screen shall thereafter be maintained.

Reason: to safeguard the amenity of neighbouring occupiers from overlooking, in accordance with Policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. 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 where appropriate.
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 to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

6. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
7. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
8. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
9. Southern Water requires a formal application for a connection to the public foul sewer to be made in order to service this development. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

2. SITE LOCATION

- 2.1. The application site comprises a two-storey, four-bedroom traditional detached dwelling sited on the southern side of Roedean Crescent. This is a residential street containing substantial, detached dwellings with a wide variety of appearances, set back from the road, generally behind mature vegetation.
- 2.2. In general, properties on the northern side of the street are set on rising land above the road, with properties on the southern side, including the application site, set below street level. Some properties, particularly on the northern side of the street, are very prominent in the streetscene, including several examples of

substantial three-storey rebuilds or refurbishments of modern design and materials. This has resulted in an eclectic mix of styles and materials within the streetscene.

3. RELEVANT HISTORY

10 Roedean Crescent

- 3.1. **96/1233/FP** Installation of satellite dish (1m diameter) on rear elevation. Approved 13.01.1997.

93/0129/FP Revised roof profile to swimming pool and new parapet wall (amendment to BN91/1166/FP - glazed conservatory extension and new roof to existing swimming pool granted 27.11.91). Approved 25.03.1993.

- 3.2. **91/1166/FP** Glazed conservatory extension and new roof to existing swimming pool. Approved 27.11.1991

12 Roedean Crescent

- 3.3. **BH2021/02056** Remodelling of dwelling incorporating roof alterations with raised ridge height to create additional floor and rear terraces, erection of garage/gym to front of house and padel tennis court enclosure to rear, new front gates and fence, revised fenestration, cladding and landscaping, new vehicular crossover and associated works. Approved 15.09.2021

6 Roedean Crescent

- 3.4. **BH2016/05506** Demolition of existing dwelling and erection of new six-bedroom dwelling. Approved 24.11.2016
- 3.5. **BH2016/00964** Demolition of existing house and erection of three storey, six bedroom house (C3). Refused 11.05.2016. Allowed under appeal 21.09.2016.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing dwelling and the erection of a five-bedroom house (planning use class C3) including the excavation of the lower ground floor, a proposed vehicle lift, landscaping and associated works.
- 4.2. From the front, the proposed dwelling would appear as two storeys plus roofspace accommodation. A basement garage is proposed to the front of the property, with a driveway and landscaping on land above. It would be traditional in form, finished with natural stone facades and slate sloping sections to the roof, with a flat roof area accommodating solar panels. There would be a replacement single storey garage to the west, with the additional basement storey visible to the rear.
- 4.3. The proposed layout would comprise main living accommodation at ground floor entrance level, with a range of living spaces accessing a south facing rear

terrace. A new lower ground floor would provide further living and guest accommodation with direct access to the existing garden. A range of additional internal leisure facilities and parking would also be provided, with vertical access via a car lift to the front forecourt. The first and second floors would accommodate five bedrooms with en-suite bathrooms, with access to the balconies and roof terrace at the rear.

- 4.4. Following discussions between the Local Planning Authority and the agent, amendments have been received during the lifetime of the application which have reduced the height of the new dwelling by 510mm, by lowering the entire building and reducing the storey heights to the upper floors.
- 4.5. The application was deferred from Planning Committee on 12 January 2022 to allow members to undertake a site visit, including viewing the site from the neighbouring property at 12 Roedean Crescent.

5. CONSULTATIONS

External

- 5.1. **Arboriculture** No Objection subject to condition relating to physical protection during development for the 2x Cherry trees located within the front verge.
- 5.2. **Brighton and Hove Archaeological Society** Comment Among the finds from Roedean are burials dating from the Neolithic and Early Bronze Age periods, and the location of a Roman coffin burial. Suggest contact the County Archaeologist for recommendations.
- 5.3. **County Archaeologist** No Objection The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.
- 5.4. **Southern Water** No Objection A formal application for a connection to the public foul sewer is required.

Internal

- 5.5. **Sustainable Transport** Comment Excess parking /garage available (SPD14 1 parking space per dwelling). Redundant crossover should be reinstated as footway. Unlikely to increase trips to site. Cycle parking space within site/ store.
- 5.6. **Urban Designer** Verbal Comment No Objection given the eclectic mix of styles and materials within the streetscene. No concerns re height.

6. REPRESENTATIONS

- 6.1. **Five (5)** letters have been received objecting to the proposal for the following reasons:

- Design
- Height
- Overdevelopment
- Footprint
- Overlooking / loss of privacy
- Overshadowing

6.2. Objections related to loss of view are noted, however are not material planning considerations.

6.3. **One (1)** letter has been received supporting the proposal for the following reasons:

- Good design
- Not a conservation area
- Many other houses with contemporary design

6.4. **One (1)** letter has been received commenting on the proposal as follows:

- Swift boxes should be secured.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban Design
CP14	Housing density
CP15	Heritage
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part 2

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They

provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM31	Archaeological Interest
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
SPD06	Trees and Development Sites.
SPD11	Nature Conservation and Development.
SPD14	Parking Standards
SPD17	Urban Design Framework

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations relating to the determination of this application are the principle of the proposed development, the impact upon the character and appearance of the area, impact on neighbouring residential amenity, and highways implications.

Principle of the Development

- 8.2. The development would replace, expand and modernise an existing residential property, in an area that is home to a number of large residential properties. In principle, therefore, it is considered acceptable, subject to the considerations set out below.

Design and Appearance

- 8.3. The existing property is a substantial two-storey dwelling, of traditional appearance, with two front gables. The land levels fall significantly from north to south (front to rear) within the plot. The dwelling is within a row of Tudor style dwellings on the southern side of the street that are quite similar in style. These properties are set below street level and are generally screened, at least in part, by boundary walls and mature vegetation.
- 8.4. However, it is noted that number 6 within this row has recently been demolished and replaced with an approved three-storey house of modern design. Number 12 has a recent planning permission (ref. BH2021/02056) for an extensive, modern remodelling of the dwelling including roof alterations with raised ridge height to create an additional floor and rear terraces.

- 8.5. Given the prevailing context, eclectic mix of existing and approved styles within the streetscene, there is no objection to a new property with an increased footprint, built in the style and materials proposed. There is also no significant concern with a slightly increased ridge height and roof profile. The top storey would be inset and provide, by virtue of scale, design and materials, a lightweight and subservient appearance, in keeping with the massing of the existing roof forms. The front building line would remain behind number 12 to the east, and the rear building line would remain behind number 8 to the west.
- 8.6. Given the above, the proposal would be a suitable form of development on this site, which would not adversely harm the character and appearance of the streetscene or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan, emerging policy DM18 of City Plan Part 2 (which can be given significant weight) and SPD12 guidance. The Council's Urban Designer has no objection to the scheme.

Impact of Neighbour Amenity

- 8.7. Policies DM20 of the City Plan Part Two and QD27 of the Brighton & Hove Local Plan state that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 8.8. The impact on the adjacent properties at 12 and 8 Roedean Crescent and 6 and 7 Roedean Way to the rear has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified.
- 8.9. It is noted that balconies / terraces are proposed at all levels to the rear, which could potentially lead to an increase in overlooking/ perceived overlooking towards neighbouring properties gardens. However, views would be similar to the existing, with a southerly aspect towards the rear garden and to the sea beyond. A privacy screen is proposed to the east to prevent looking back into the windows and terrace of no. 12, the rear of which would be set behind the proposed rear building line of the new dwelling. Proposed side windows would serve bathrooms only. Therefore, it is considered that the development would not lead to unacceptable overlooking or a harmful impact on privacy to neighbouring properties.
- 8.10. The dwelling would be sited on a large plot with appropriate separation distances available between it and adjacent dwellings, minimising the risk of loss of light or outlook.
- 8.11. On this basis, the scheme is considered acceptable in terms of its impact on residential amenity, and to accord with Policy DM20 of City Plan Part 2 (which can be given significant weight) and QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 8.12. As noted in the response from Highway Officers, the erection of a replacement dwelling is unlikely to significantly increase trips to the site. There is ample room

to accommodate cycle parking provision on the site and this can be secured by condition.

- 8.13. The vehicle entrance and crossover east of the front curtilage of the site would be retained and widened whilst the vehicle entrance to the west would be removed. This proposed arrangement means that the existing western crossover is to become redundant and therefore it is recommended that it is removed and the footway, grass verge and kerb edge reconstructed and reinstated. This can be secured by condition.
- 8.14. The proposed development includes a basement level car parking area with space for four of the applicant's vehicles, with three further parking spaces proposed on the driveway for occupiers/ visitors.
- 8.15. The Council's Highways Officer has highlighted that there would be an overprovision of parking on site, with a maximum of two spaces required on the site to accord with SPD14 for dwellings of this size in this location. However, it is recognised that there is significant space to park several vehicles on the large driveway as existing. Additionally, a number of other properties in Roedean Crescent have large garages and/ or large areas of hardstanding where it is possible to park vehicles in excess of the requirements of SPD14. In these circumstances, as the scheme is acceptable in all other respects, it is not considered a refusal could be justified on grounds of the overprovision of on-site parking.
- 8.16. On this basis, the scheme is considered acceptable in terms of its impact on highway capacity and road safety.

Sustainability:

- 8.17. Policy CP8 requires new build development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.

Other considerations

- 8.18. The proposed development is within an Archaeological Notification Area defining an area of prehistoric and Roman burials. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development it is recommended by the County Archaeologist that the area affected by the proposals should be the subject of a programme of archaeological works. This can be secured by condition.

9. COMMUNITY INFRASTRUCTURE LEVY

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

10. EQUALITIES

- 10.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. The applicant is proposing a new 1.2m wide stepped pedestrian entrance to the site, the application states that this would be capable of accommodating a future chair lift, if required. Whilst steps means that this route would not be accessible by all, step-free/ ramped access elsewhere to the new-build dwelling appears to be achievable. A condition is recommended to ensure compliance with M4(2 Building Regulations Requirements).

11. CLIMATE CHANGE/BIODIVERSITY

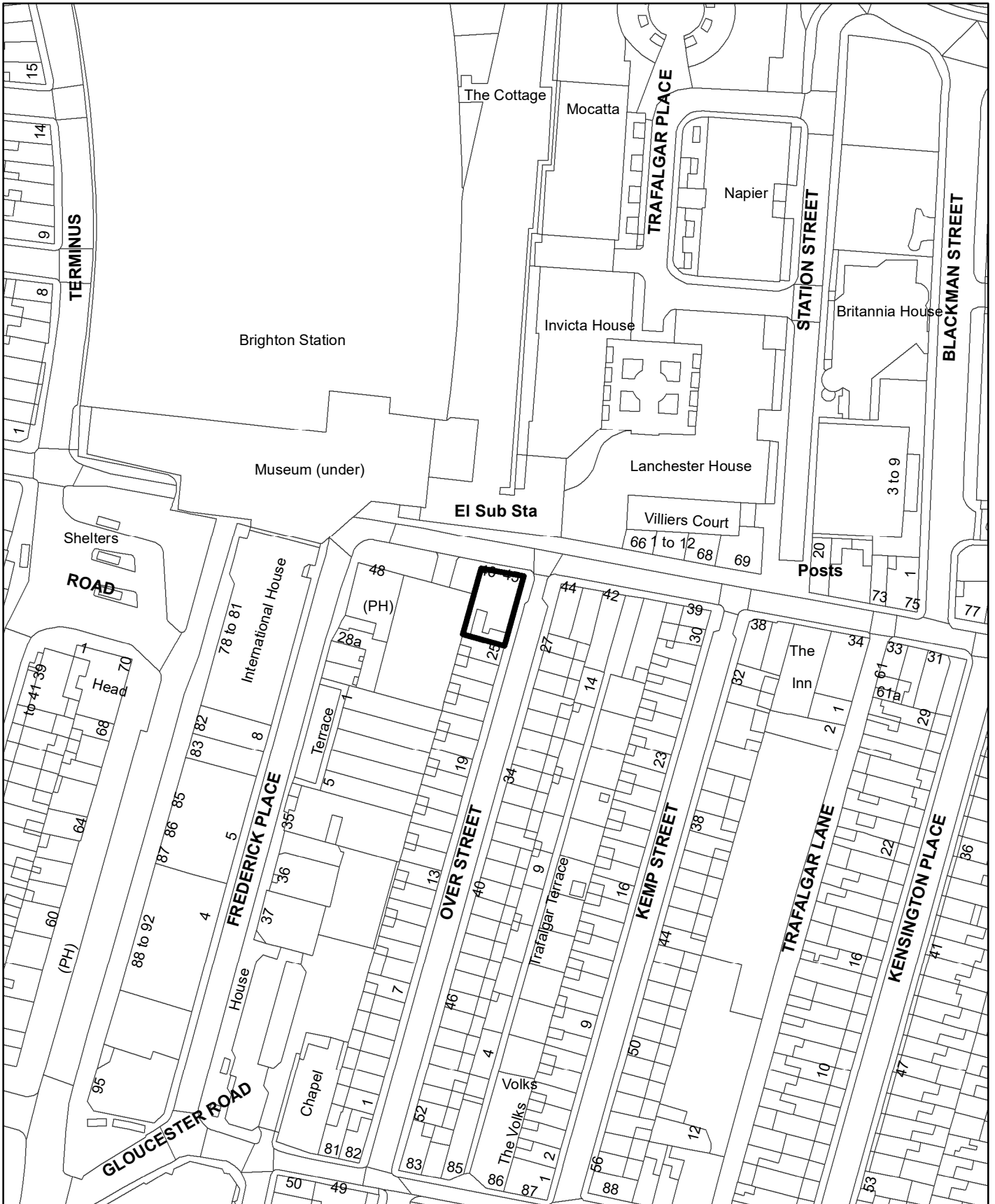
- 11.1. The application site is previously developed (brownfield) land and the scheme would ultimately achieve a more energy efficient house. Both energy efficiency and water efficiency would be secured by condition. Solar/ PV panels and electric vehicle charging are proposed, and a landscaping scheme, bee brick and 3 swift boxes would be secured by condition.

ITEM E

**45 and 46 Trafalgar Street
BH2021/01841
Full Planning**

DATE OF COMMITTEE: 2nd February 2022

BH2021 01841 - 45 and 46 Trafalgar Street



N



Scale: 1:1,250

<u>No:</u>	BH2021/01841	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	45 And 46 Trafalgar Street Brighton BN1 4ED		
<u>Proposal:</u>	Reconfiguration of 2no. existing ground floor Studio flats to provide 1no. larger flat/maisonette and 1no. three bed, 3no. storey (plus room in roof) house erected at the rear of 45/46 Trafalgar street.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	29.06.2021
<u>Con Area:</u>	North Laine	<u>Expiry Date:</u>	24.08.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	09.02.2022
<u>Agent:</u>	Clive Hawkins Architects Ltd 114 Mackie Avenue Brighton BN1 8RD		
<u>Applicant:</u>	J Summers 2nd Floor Trafalgar House Quarry Road Industrial Estate Newhaven BN9 9DD		

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	1050-LOC PLAN		18 May 2021
Block Plan	1050-BLOCK PLAN		18 May 2021
Proposed Drawing	1050-05	F	16 November 2021
Proposed Drawing	1050-01	C	16 November 2021
Proposed Drawing	1050-02	B	15 December 2021
Proposed Drawing	1050-04	F	16 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.

3. No development above ground floor slab level of the development hereby permitted shall take place until full details of all new windows and doors 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 works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

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

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

6. The new-build house hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

7. The new-build house hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

8. The development hereby permitted shall not be occupied until the new infill house hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence

of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

Informatives:

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

2. SITE LOCATION

- 2.1. The application site is located on the south west corner of Trafalgar Street and Over Street. The Trafalgar Street elevation has a three-storey frontage with the ground floor containing shops. To the west of the site is the Grade II listed Prince Albert Public House and the Grade II* Brighton Station. The sloping topography from west to east of Trafalgar Street has resulted in a gentle stepping down of buildings as the street descends. The buildings along Trafalgar Street have a largely consistent height, which is predominantly smaller scale, producing a varied roof-line (with chimney stacks, pots and party wall upstands adding to the street scene) which overall, contributes to the rich character of the North Laine.
- 2.2. The building is not listed but is situated within the North Laine Conservation Area.

3. RELEVANT HISTORY

- 3.1. **BH2020/03021** Demolition and rebuilding of basement retaining wall and part of east facade incorporating new sash windows and associated works. Approved 08/12/2020
- 3.2. **BH2017/02927** Conversion and alterations of existing building comprising of 2no flats and 6 studio flats to form 1no three bedroom house, 1no four bedroom house, 1no five bedroom house and 3no studio flats incorporating four storey rear extension, additional floor, reduction of shop and café, revised fenestration and associated works. Refused 03/01/2020
- 3.3. **BH2013/02672** Subdivision of 2no existing first and second floor flats to create 4no studio flats and conversion of existing basement recording studio (B1) to 1no one bedroom flat. Replacement of existing outbuilding with cycle area and installation of rear access door. (Part retrospective). Refused 03/01/2014.
- 3.4. **BH2006/03812** Amendments to approved BH1999/02233/FP to Units 2 & 3 basement and ground floor layout and window arrangement. Approved 05/04/2007
- 3.5. **BH1999/02233/FP** Part conversion, part redevelopment and change of use of site to create three houses, two flats and a cafe/restaurant. Approved 18/05/2000
- 3.6. 96/0324/FP Change of use from basement store to B1 recording studio (Retrospective) Approved 16/07/1996

4. APPLICATION DESCRIPTON

- 4.1. The application seeks the erection of a three-storey infill house between the application property and no. 25 Over Street and the amalgamation of 2no studio flats on the ground floor to one larger flat, including expansion into the basement. To facilitate the proposals an existing rear extension would be demolished, and new fenestration added to the recipient building.

5. REPRESENTATIONS

Original consultation:

- 5.1. **Four (4)** letters have been received including from the **North Laine Community Association** objecting to the proposed development for the following reasons:
 - Rooflights are inappropriate within conservation area
 - Overdevelopment, build is too big and out of scale with neighbouring properties
 - Inappropriate massing
 - Impact on parapet and rooflines
 - Potential use as an HMO
 - Parking stress
 - The proposal is for 4 storeys not 3
 - Structural concerns

- Increased noise from property and patio

Second consultation:

- 5.2. **Five (5)** letters have been received supporting the proposed development for the following reasons:
- Good design
 - Current building is an eye-sore
 - There is a lack of housing in Brighton
 - Better use of the available space
 - The back yard of the building is dark and full of pigeons
- 5.3. **Three (3)** letters have been received including from the **North Laine Community Association** objecting to the proposed development for the following reasons:
- noise
 - overdevelopment
 - poor design
 - inappropriate height
 - the current building is in a poor state
- 5.4. A letter of representation has been received from **Councillor Deane** objecting to the proposed development. A copy of the representation is attached to the report.

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection subject to conditions
- No car parking is proposed so there is a risk of overspill parking/parking stress.
 - There could be an uplift in vehicle trips from the development, although not significant.
 - There is a shortfall in cycle parking. Minimum of 2 cycle parking space required for the new house and one for the studio flat. Level cycle parking may not be available however this is preferred to none.
 - The applicant is proposing a new door, this is acceptable in principle subject to it not having a negative impact on drainage on the footway that is in the same vicinity.
 - The applicant is proposing a new light well on the highway for which Approval In Principle (AIP) is required from the Highway Authority (add informative to any consent to this affect)
- 6.2. **Private Sector Housing:** Comment
- If the application is approved, the applicant may need to apply for a HMO Licence for the 4 bed/3 storey flat if it is rented out in the future.
- 6.3. **Heritage:** Final comment following amendments: No objection subject to conditions

- No outstanding issues, apart from the details of materials and windows/doors which can 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 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
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport

CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP14	Housing density

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

TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD09	Architectural Features

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed dwellinghouse and other external alterations and the impact on the character and appearance of the site and wider conservation area, the impact on the amenity of occupiers of neighbouring properties, the standard of living accommodation to be provided for the new house and flat, the impact on the highway network, and whether the proposed development would meet the transport needs of future occupiers.

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). 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).

- 9.5. Whilst there would be no net increase in residential units, there would also be no loss, and there would be an increase in overall bed spaces provided. There is no objection to the principle of the proposed development.

Design and Appearance:

- 9.6. 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.
- 9.7. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight."
- 9.8. The proposed infill house would be three storeys, plus additional accommodation within the roofspace. The building would be a similar width to the houses within the terrace of properties which would adjoin and run south from the new house. The height and bulk would also relate favourably. The new house would match the roof profile and ridge height of the adjoining house to the south. The detailing of the front elevation would suitably reflect the detailing of the terrace, with windows and front door of similar height and horizontal alignment, as well as matching render rustication at ground floor. Subject to full details of materials and window/door joinery specifications which shall be secured by condition, the proposed infill house would not have a detrimental impact on the character and appearance of the site or the wider Conservation Area.
- 9.9. The alterations to the main building to facilitate the creation of one larger flat from 2 studios, including the conversion of the basement, amount to the introduction of an access door, and two windows at pavement level below existing bay windows. Subject to full joinery details, which shall be secured by condition, there are no objections to these proposals, and no harm to the Conservation Area has been identified.

Standard of accommodation:

- 9.10. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room. Emerging policy DM20 (which can be given more weight than retained policy QD27) restates the need for development to safeguard the amenities of proposed, existing and/or adjacent occupiers.
- 9.11. The Technical housing standards- nationally described space standard (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.

New House

- 9.12. The proposed house would have 3 bedrooms and a study room and an open-plan living/kitchen/dining room. There is a study room proposed at first floor would be considered too small for use as a bedroom and has not been annotated as such on the submitted floor plans. It is therefore accepted as a study. It is noted that the bedroom within the roofspace is also annotated as a study. This room is 12.75m² with 7.75m² at full height (2.3m) and 9.2m² over 1.8m. This room could readily be used as a single bedroom, and is considered as such for the purposes of this assessment. The proposal is therefore for three bedrooms comprising one single sized room (within roofspace) and two double bedrooms (15.5m² and 15.0m²). The expected occupancy of the building would be by 4-5 persons.
- 9.13. The 3-bedroom, dwelling over four storeys with a Gross Internal Area (GIA) of 95.25m² is marginally below the recommended GIA figure in the NDSS of 99m² for 5 occupiers, but exceeds the recommendation for 4 occupiers (90m²). The bedrooms are sufficiently sized (over 11.5m² for a double and 7.5m² for a single). The provision of communal living space on the ground floor is considered to be adequate for the likely level of occupation.
- 9.14. Habitable rooms for the house would all benefit from satisfactory outlook and adequate provision of natural light and ventilation.
- 9.15. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. The proposed patio area, whilst modest, is not unusually small within this city-centre setting.
- 9.16. For the reasons outlined, the proposed dwellinghouse would provide an adequate standard of living accommodation for future occupiers. Compliant with policies QD27 and DM20.

Proposed Flat

- 9.17. The proposed internal works to the main building are would amalgamate two studio flats into one larger studio flat including the provision of living space within the basement with an overall floorspace of 50.2m². The basement rooms are allocated to a kitchen and bathroom. Whilst the outlook and provision of natural light would be less than afforded the ground floor living area, it is considered adequate, and acceptable for the intended use of the rooms especially when the standard of the unit is considered as a whole. The ground floor would house the primary studio living and sleeping space and would benefit from acceptable outlook and natural light from existing windows. The NDSS does not provide a recommended floor space for studio flats spread over 2 floors. In this instance, the provision of floor space would be acceptable, in particular the large 39m²

ground floor studio room. On balance the standard of accommodation proposed is considered acceptable.

Impact on Amenity:

- 9.18. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given greater weight than the retained policy) state that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.19. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.20. The proposed development would give rise to an increase in activity, although it would not be significant nor present a likelihood of any substantial increase in noise and disturbance in this city-centre location.
- 9.21. The proposed house is largely contained between the built form of nos. 45-46 Trafalgar Street and no. 25 Over Street. It would project rearwards such that it would cut across windows at no. 45-46 Trafalgar Street, albeit at a distance, and it is understood the windows in question serve kitchens, which would not be as intensely used as the primary living spaces. No significantly harmful views have been identified from the proposed windows on the new house, and it is appreciated that mutual overlooking is more commonplace in more densely developed areas such as city-centres.
- 9.22. Overall, the proposed development would not give rise to any significantly harmful increased sense of enclosure, loss of outlook or overshadowing to windows at neighbouring properties. New windows introduced would not give rise to any overlooking beyond what could reasonably be expected from mutual-overlooking in this close residential setting.

Sustainable Transport:

- 9.23. The submitted drawings show bicycle parking within the rear garden for one cycle. SPD14 guidance recommends 2 spaces and would also 1 space for the new flat. Whilst the site is constrained, there does appear to be the opportunity to add an additional space adjacent the proposed within the rear garden of the new house. Whilst the location is not ideal, it would be preferable to no or less provision. Further details of this could have been secured by condition had the development been otherwise acceptable. There does not appear to be any option for cycle parking for the flat, other than informally within the flat itself. The lack of formal/dedicated cycle parking for the flat is accepted in this instance given the constraints of the site.
- 9.24. The building doesn't currently benefit from off-street parking and this wouldn't change. The street and surrounding roads are covered by a Controlled Parking Zone (CPZ). The proposal to replace 2 residential units, with 2 larger residential units is not considered to result in any significant uplift in vehicle trips. It is not

considered reasonable to restrict occupiers of the proposed development to permits given that applications for permits would be considered by the council, and excess/overspill parking controlled in that way.

Sustainability:

- 9.25. City Plan Part One policy CP8 requires new residential development to demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Emerging policy DM44 (which can be given limited weight) states that the council will encourage all development to improve energy efficiency and achieve greater reductions in CO2 emissions in order to contribute towards Brighton & Hove's ambition to become a carbon neutral city by 2030.
- 9.26. Measures to secure efficiency in the use of water and energy shall be secured by condition.

Conclusion:

- 9.27. The proposed development would not result in an increase in the number of residential units, therefore the council's housing supply shortfall would not be impacted by these proposals. Notwithstanding this, the proposals would result in larger units. The introduction of a 3-bedroom unit suitable for family occupation, in particular, meets an identified need within the City. The new build dwelling is considered appropriately designed, and the overall development would not be harmful to the character and appearance of the site or wider Conservation Area. The standard of accommodation for both units would be acceptable, and no significant harm to the amenity of occupiers of neighbouring properties has been identified.
- 9.28. In this case, no harms have been identified which would outweigh the benefits and approval is therefore recommended.

10. EQUALITIES

- 10.1. Step-free access would be available to the new house, and compliance with Requirement M4(2) of the optional requirements in Part M of the Building Regulations shall be secured by condition.

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 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The proposed development would provide less than 100sqm of new internal floorspace and would not result in a net increase in the number of residential units at the site. As such, the development would not be liable for a CIL charge.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The proposed development makes more efficient use of the site. The building would be well situated for future occupants to have good access to travel options other than motor-vehicle, including nearby public transport. Future occupiers of the new house would benefit from access to cycle storage, full details of which are secured by condition. Suitable conditions would ensure efficient use of energy and water.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Lizzie Deane
BH2021/01841 - 45 and 46 Trafalgar Street

30th July 2021:

I write in support of local residents and community association in their objection to this application which I believe to be over development and detrimental to the character of the North Laine Conservation Area.

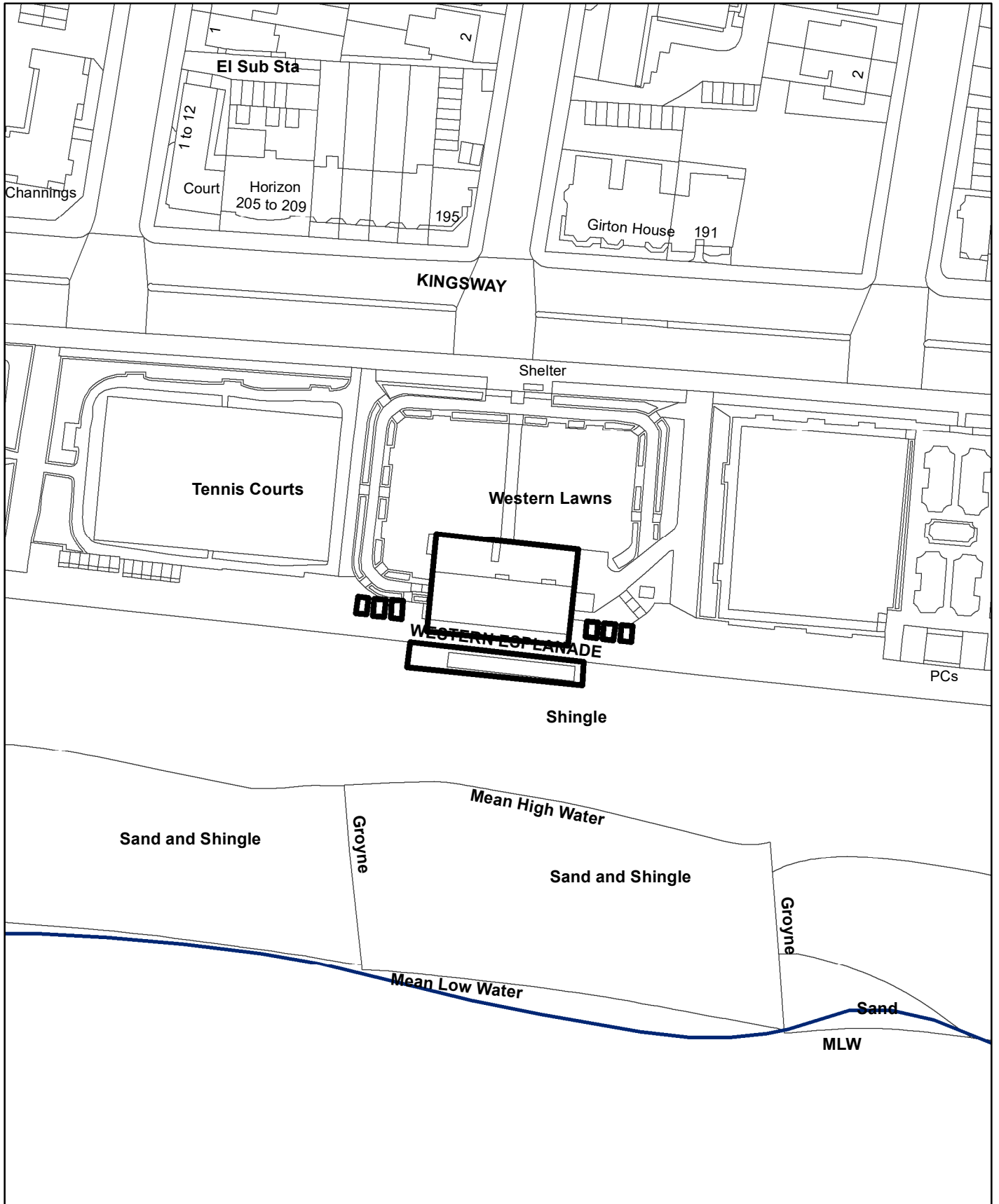
I would ask that you refuse this under Delegated Powers, and that, if minded to grant, it be brought to Planning Committee for determination by elected Members.

ITEM F

**Rockwater, Kingsway
BH2021/03900
Full Planning**

DATE OF COMMITTEE: 2nd February 2022

BH2021 03900 - Rockwater, Kingsway



N



Scale: 1:1,250

<u>No:</u>	BH2021/03900	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rockwater Kingsway Hove BN3 4FA		
<u>Proposal:</u>	Retention of six existing timber "beach huts" adjacent to the main building for a period of 3 years.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	02.11.2021
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	28.12.2021
<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>	Rockwater Group Ltd C/o Lewis And Co Planning SE Ltd 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	202	A	2 November 2021
Proposed Drawing	204	A	2 November 2021
Proposed Drawing	205	-	2 November 2021
Proposed Drawing	207	A	2 November 2021

2. The kiosks hereby permitted shall be removed and the land restored to its former condition immediately on or before three years from the date of this permission.
Reason: The kiosks hereby approved are not considered suitable as a permanent form of development, to safeguard the character and setting of the site and the Sackville Gardens Conservation Area, and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan; CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM26 and DM29 of the Brighton & Hove City Plan Part Two.
3. The kiosks hereby permitted shall be painted only in the colours BS 4800 C35 (gloss) to the roof and upper sides, and BS 4800 04 D45 (gloss) to the plinth and lower sides.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan; CP12, CP13 and CP15 of

the Brighton & Hove City Plan Part One; and DM26 and DM29 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the three-year permission hereby granted is considered adequate for the purposes they have put forward to justify the development, and a further extension is unlikely to be granted.

2. SITE LOCATION

- 2.1. The application site is a substantial detached building on the seafront south of Kingsway and the junction of Walsingham Road, within the Sackville Gardens conservation area. It is immediately adjacent to the locally listed Western Lawns. Six timber 'beach hut' style kiosks have been erected on the edge of the public footway on the south side of the site; these were granted a temporary permission which has expired as of 17th December 2021.

Statement of Significance:

- 2.2. The application site is located at the southern edge of the Sackville Gardens Conservation Area and is set within the green open spaces of the Western Lawns. The Western Lawns are included in the Council's list of Local Heritage Assets, and although the subject building is not included in the designation, proposals for the site may affect the setting of the Lawns.
- 2.3. Nearby to the west and east of the site are established rows of traditional beach huts set at the back of the Esplanade. These beach huts all have the same materials and colours used on their rear and side elevations and their roofs, to ensure uniformity when viewed from the north across the lawns.

3. RELEVANT HISTORY

- 3.1. **BH2021/00229** Retention of existing six timber "beach huts" adjacent to the main building for a period of 6 months. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for planning permission for a temporary period of three years for the six 'beach hut' kiosks.

5. REPRESENTATIONS

- 5.1. **Five (5)** representations have been received, objecting to the proposal on the following grounds:
- The original permission for this development was in response to the COVID-19 pandemic, the three-year proposed permission is not justified.
 - Increased footfall leading to congestion on the footway
 - The proposed development causes harm to the character of the area
 - The proposed kiosks should instead be placed on Rockwater-operated land to the north of the site.
 - The proposed development represents a 'land grab' by the operators of Rockwater
 - The operators of Rockwater are benefitting from an 'unfair opportunity' by being allowed to expand onto the footway. This is not fair on other commercial operators in the area.
 - The operators of Rockwater chose not to include a takeaway window feature when the building was redeveloped recently; they should not be allowed to have the proposed development instead.
 - Additional refuse/littering from customers
 - Additional noise from customers leaving the site via residential areas.
- 5.2. **One (1)** representation has been received, supporting the proposal on the following grounds:
- The proposed development is a positive enhancement to the area

6. CONSULTATIONS

External

Conservation Advisory Group:

- 6.1. It is recommended that planning permission be refused for the following reasons:
- This is encroachment on the promenade which, at 4.5m, is at its narrowest at this location.
 - The proposal causes harm as it is overdevelopment, resulting in reduced public space particularly when queues occur, causing congestion.
 - Breaks continuity of the street scene and vistas along the seafront.
 - Extends the clutter of service areas, particularly on the East side.
 - No justification is provided as to why the proposal is for three years.

Sussex Police

- 6.2. Due to the existing close co-operation with the applicant and Sussex Police Licensing Teams as well as a result of several licensing conditions being imposed upon the premises, there are no concerns from a crime prevention perspective.

Internal

6.3. Heritage

The temporary siting of these structures during the recovery of the hospitality industry following national restrictions during the Covid 19 pandemic, is not resisted in principle.

Following the original application for retention of these temporary structures, amendments were made in accordance with the requirements of the Heritage Team, and it is considered that this has reduced the harm of the scheme. Accordingly, there is no objection to a further extension of the temporary permission.

6.4. Sustainable Transport

Matters regarding servicing and deliveries (including waste and recycling), and staff facilities (such as toilets and/or cycle parking) should be clarified. The preferred solution would be for all the above matters to be dealt with in association with the main Rockwater business.

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

SA1 The Seafront

CP2 Sustainable Economic Development

CP5 Culture and Tourism

CP9 Sustainable Transport

CP12 Urban Design

CP13 Public Streets and Spaces

CP15 Heritage

CP16 Open Spaces

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

TR7 Safe Development

QD5 Design - street frontages

QD27 Protection of amenity

SR18 Seafront recreation

HE6 Development within or affecting the setting of conservation areas

HE10 Buildings of local interest

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.

DM15 Commercial and Leisure Uses on the Seafront

DM18 High quality design and places

DM20 Protection of Amenity

DM26 Conservation Areas

DM28 Locally Listed Heritage Assets

DM29 The Setting of Heritage Assets

DM33 Safe, Sustainable and Active Travel

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed development; the design and appearance of the proposed development; and the potential impacts on the amenities of visitors to the site; on the significance of heritage assets in the vicinity; and on highway safety.

Principle of Development

- 9.2. The principle of development in this instance has already been agreed on a temporary basis with the approval of permission BH2021/00229. It is considered in this instance that although the permanent retention of all of these structures would not be supported, that a longer temporary basis can be supported.
- 9.3. The need for a temporary period of three years has been questioned. It is considered that the huts were originally developed to offset some of the restrictions to indoor services brought about by the COVID-19 pandemic; by this logic, an extension of the planning permission should not need to extend beyond 2022. It is the position of the applicant that a longer time period will allow them to assess their business model going forward, whilst also allowing the Local Planning Authority to continue to assess any issues. The applicant also states that a further three years is requested '*due to the success of the huts and the benefits to local businesses.*'

- 9.4. On balance, it is considered that the huts do serve to provide positive functions to the area and a three-year permission would not result in significant harm to the area (as set out below). The applicant should be advised, however, that a further extension of this timeframe is unlikely to be agreed, for reasons explained below.

Design and Appearance

- 9.5. The beach hut style kiosks reference the specific location of the site and the character of the area. They seek to mimic a key feature of the locality. It is noted that they are larger than a typical beach hut and have paraphernalia associated with the use positioned around them. As a permanent addition they would not be considered acceptable given their scale and designs, and they would result in visual clutter to the area and add to the sprawl of the main site following the significant extensions that have already been consented to the main Rockwater building.
- 9.6. As before, the temporary nature of the permission applied for under this application is a mitigating factor in assessing the harm from the kiosks. The kiosks are only temporary in nature and the impact on the appearance of the site and the wider Sackville Gardens conservation area is considered to be limited therefore, and insufficient to warrant planning permission being withheld in this instance.

Impact on Heritage Assets

- 9.7. 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 or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.9. It is noted that the Heritage Officer has raised no objection with the proposed development subject to the condition that the huts are only in situ for a temporary period of three years.
- 9.10. The objection from the Conservation Advisory Group is noted, however it is also noted that the concerns they have raised (which primarily relate to the impact on visual amenity and pedestrian movement) are not shared by the Heritage department or Highway Authority. It is considered that the temporary nature of the permission mitigates the potential harm to an acceptable degree in both these regards.
- 9.11. It is considered that, given the temporary nature of the development, it would cause less than significant harm to the significance of the Sackville Gardens conservation area, and in this instance the public benefits (coupled with the temporary nature of the permission) outweigh said harm.

Impact on Amenities

- 9.12. The kiosks are located in a busy area adjacent to existing commercial premises, including the large Rockwater venue. It is not considered that the potential noise from customers of the kiosks would likely be so great as to cause a statutory noise nuisance. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on the Public Highway

- 9.13. The proposed development is not considered to have an unacceptable impact on the public footway. The kiosks are not positioned forward of the main Rockwater building and as such do not result in a reduction in the width of the promenade along this stretch of the seafront. The existing width of the promenade is retained for the movement of pedestrians around the site.
- 9.14. Along the seafront the presence of people queuing for a venue or takeaway service is not unusual and is to some degree expected at busy times of the day and in peak season. A promenade space of 5.5m is considered sufficient to successfully accommodate any queues and allow people to pass by.

Other Considerations

- 9.15. Concerns have been raised that the increase in commercial output in this area will give rise to additional littering by patrons. Given the relatively small scale of the development it is not considered that this harm would be so significant as to justify withholding planning permission. The problems caused by littering are already managed through alternative regimes, and do not warrant action in this instance.
- 9.16. Multiple concerns have also been raised at the principle of the owner(s) of Rockwater being allowed additional room to operate the business, potentially to the detriment of other businesses in the area. Competition between businesses is not, however, a material planning consideration and cannot be given any weight in this assessment.

Conclusion

- 9.17. It is considered that a temporary permission for the six kiosks has been justified and would have no significant detrimental impacts on the visual amenity of the local area, or the amenities of any person. For the foregoing reasons the proposal is considered to be in accordance with policies TR7, QD5, QD27, SR18, HE6 and HE10 of the Brighton and Hove Local Plan; and SA1, CP2, CP5, CP9, CP12, CP13, CP15 and CP16 of the City Plan Part One.
- 9.18. It is also considered that the proposal would be in accordance with policies DM20, DM26, DM29 and DM33 of the Proposed Submission City Plan Part Two which is gathering weight. Policies DM26, DM29, and DM33 are considered to have significant weight at this stage and policy DM20 is considered to have more weight than the adopted Local Plan policy QD27.

10. EQUALITIES

None identified

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The beach huts have reportedly been constructed using flooring timbers that were removed from the main site during its refurbishment. This represents a good example of re-use of materials and reduces the carbon cost of the development.

PLANNING COMMITTEE

Agenda Item 78

Brighton & Hove City Council

NEW APPEALS RECEIVED 02/12/2021 - 12/01/2022

WARD

EAST BRIGHTON

APPEALAPPNUMBER

BH2021/01376

ADDRESS

68A St Georges Road Brighton BN2 1EF

DEVELOPMENT DESCRIPTION

Change of use from office (E) to form a two bedroom dwelling (C3) incorporating revised fenestration.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

03/12/2021

APPLICATION DECISION LEVEL

Delegated

WARD

GOLDSMID

APPEALAPPNUMBER

BH2021/00151

ADDRESS

58 Denmark Villas Hove BN3 3TJ

DEVELOPMENT DESCRIPTION

Demolition of garage and erection of a two storey dwellinghouse with associated hard landscaping, boundary walls, steps and ramp.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

08/12/2021

APPLICATION DECISION LEVEL

Delegated

WARD

HOVE PARK

APPEALAPPNUMBER

BH2020/02285

ADDRESS

7 Woodland Drive Hove BN3 6DH

DEVELOPMENT DESCRIPTION

Erection of 1no two bedroom detached house (C3) to rear of existing dwelling, incorporating new vehicular crossover and associated landscaping and parking.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

20/12/2021

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

HOVE PARK

APPEALAPPNUMBER

BH2021/02802

ADDRESS

3 Woodland Close Hove BN3 6BP

DEVELOPMENT DESCRIPTION Alterations and extensions to roof line to front of property, construction of new dormer to east elevation, insertion of rooflights, cladding of front and rear of building in timber and revised fenestration. Double hip-to-gable roof extensions on garage, new dormer to door head, insertion of rooflights and cladding of building in timber.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 21/12/2021
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEALAPPNUMBER BH2021/02429
ADDRESS 13 Lucerne Road Brighton BN1 6GH
DEVELOPMENT DESCRIPTION Roof alterations to include front and rear rooflight and the installation of 1no rear dormer window.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 07/12/2021
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2020/03655
ADDRESS 3 St James's Avenue Brighton BN2 1QD
DEVELOPMENT DESCRIPTION Raising of roof with new safety railings above.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 24/12/2021
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2021/02418
ADDRESS 14 Chorley Avenue Saltdean Brighton BN2 8AQ
DEVELOPMENT DESCRIPTION Roof alterations incorporating raising of roof ridge height to create second floor with a roof terrace to front elevation, 4no rear rooflights and associated alterations.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 07/01/2022
APPLICATION DECISION LEVEL Delegated

WARD **SOUTH PORTSLADE**
APPEALAPPNUMBER BH2021/01919
ADDRESS Panorama House 1D Vale Road Portslade BN41 1BA
DEVELOPMENT DESCRIPTION Conversion of units 9, 42, 45 and 46 to create 4no flats (C3) including installation of one window to unit 42 north elevation.

<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	21/12/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD

ST. PETER'S AND NORTH LAINE

APPEALAPPNUMBER

BH2021/02035

ADDRESS

62 Crescent Road Brighton BN2 3RP

DEVELOPMENT DESCRIPTION

Replacement of single glazed wooden sash windows with UPVC double glazed sash windows (Retrospective)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

07/12/2021

APPLICATION DECISION LEVEL

Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 29/12/2021 AND 18/01/2022

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

BRUNSWICK AND ADELAIDE

APL2021/00082

24 Holland Road Hove BN3 1JJ

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/03272

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

GOLDSMID

APL2021/00091

53 Goldstone Road Hove BN3 3RG

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/01091

APPLICATION DECISION LEVEL

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

HANGLETON AND KNOLL

APL2021/00090

47 Elm Drive Hove BN3 7JA

Subdivision of single dwellinghouse to create 2no. three bedroom dwellings (C3) with erection of single storey rear extension and fenestration changes to east side elevation.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2020/02977

APPLICATION DECISION LEVEL Delegated

Page 1 of 2

WARD

MOULSECOOMB AND BEVENDEAN

APPEAL APPLICATION NUMBER

APL2021/00075

ADDRESS

17 Upper Bevendean Avenue Brighton BN2 4FG

DEVELOPMENT DESCRIPTION

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/01717

APPLICATION DECISION LEVEL

Delegated

WARD

QUEEN'S PARK

APPEAL APPLICATION NUMBER

APL2021/00088

ADDRESS

8A Rock Place Brighton BN2 1PF

DEVELOPMENT DESCRIPTION

Replacement of 2no UPVC windows to second floor dormers with new UPVC windows. (Retrospective).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2021/01725

APPLICATION DECISION LEVEL

Delegated

WARD

WESTBOURNE

APPEAL APPLICATION NUMBER

APL2021/00081

ADDRESS

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

DEVELOPMENT DESCRIPTION

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/00132

APPLICATION DECISION LEVEL

Delegated

Page 2 of 2