

Planning Committee

Date: **4 May 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

111 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.

112 MINUTES OF THE PREVIOUS MEETING

1 - 8

Minutes of the meeting held on 21 March 2022 are attached to the agenda. Minutes of the meeting held on 6 April 2022 will be circulated separately.

113 CHAIR'S COMMUNICATIONS

114 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 28 April 2022.

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

116 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 | BH2021/00780 - Land at Junction of Foredown Road and Fox Way, Portslade | 9 - 28 |
| B | BH2021/04525 - 10 Shirley Drive, Hove - Removal or Variation of Condition | 29 - 44 |
| C | BH2021/04527 - 10 Shirley Drive, Hove - Removal or Variation of Condition | 45 - 56 |

MINOR APPLICATIONS

- | | | |
|---|--|-----------------|
| D | BH2021/03074 - Henge Way (Land Next to 2 Brackenbury Close, Portslade) - Full Planning | 57 - 76 |
| E | BH2022/00749 - 12 London Road, Brighton - Full Planning | 77 - 88 |
| F | BH2021/02844 - Land to the North of St Nicholas CE Primary School, Locks Hill, Portslade - Full Planning | 89 - 114 |

117 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

- | | |
|--|------------------|
| 118 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE | 115 - 118 |
|--|------------------|
- (copy attached).

119 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES	119 - 120
(copy attached).	
120 APPEAL DECISIONS	121 - 122
(copy attached).	

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

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

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FURTHER INFORMATION

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

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

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

10.30am 21 MARCH 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Barnett, Moonan, Shanks and O'Quinn

Apologies: Councillors Fishleigh, Janio, Theobald, Yates

Officers in attendance: Nicola Hurley (Planning Manager), Kate Cole (County Ecologist), Andy French (Flood Risk Manager), Alison Gatherer (Council Lawyer), Emma Kumar (Housing Officer), Andrew Renaut (Head of Transport Policy & Strategy), Maria Seale (Senior Planner), Steve Tremlett (Planning Team Leader), Shaun Hughes (Democratic Services)

PART ONE

91 PROCEDURAL BUSINESS

a) Declarations of substitutes

91.1 Councillor O'Quinn substituted for Councillor Yates.

b) Declarations of interests

91.2 There were none.

c) Exclusion of the press and public

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

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

92 MINUTES OF THE PREVIOUS MEETING

- 92.1 The minutes for the 9 March 2022 committee meeting will be available in the next meeting agenda.

93 CHAIR'S COMMUNICATIONS

- 93.1 Welcome everybody to today's special meeting of Planning Committee.

Today's meeting is unusual in more than one way. We will only be determining one application today and, as you can tell, we're meeting on a Monday morning rather than a Wednesday afternoon. This is because this was the only available time slot when the Council Chamber was free.

It is also unusual in that we are being asked not to approve or refuse an application, but what our position would have been had the decision rested with us. This is because the application before us today has already been appealed on the grounds of non-determination, meaning the decision lies with the Planning Inspector, following a public inquiry, not the Local Planning Authority. However, our decision today is important as it will have an impact on the proceedings of the upcoming appeal. It is possible that, should we decide to grant the application, the appeal might be withdrawn. Alternatively, if we agree the Officers' recommendation to refuse the application, this would form part of the Local Planning Authority's evidence submission to the public enquiry.

As we will see, the reason that the application, which was made in 2018 has not been determined, is that National Highways, one of the Council's statutory consultees, have not been able to offer their opinion on the transport implications of the application on the A27, King George VI Avenue, and other local roads, making it impossible for the Local Planning Authority to reach an informed decision.

Another unusual aspect is that due to the complexity of the application, reflected in it requiring this stand-alone meeting, I did not consider allowing only three minutes speaking time to be adequate for today's purposes. So, the ward Councillor, objectors, and applicant's agent will each be allowed to address the Committee for a maximum of ten minutes.

94 PUBLIC QUESTIONS

- 94.1 There were none for this meeting.

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

- 95.1 There were none for this meeting.

96 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

97 BH2018/03633 - LAND AT KING GEORGE VI AVENUE (TOAD'S HOLE VALLEY), HOVE - OUTLINE APPLICATION SOME MATTERS RESERVED

- 1. The Planning Manager and Planning Team Leader introduced the application to the committee. The Planning Team Leader introduced the policy issues and the Head of Transport Policy & Strategy laid out the highways and transport matters.

Speakers

2. Ward Councillor Bagaen addressed the committee and stated that they were pleased that the site visit had taken place and the amount of information available to the committee Members. The key points are the traffic issues, loss of amenities for residents, and the impact on the local infrastructure. The impact on the local area is a very important consideration. There have been several consultations, the last in 2021 and others going back to 2017. These have been useful; however, enquiry emails have not been answered. The delivery of affordable housing given this model of delivery is an issue. The case officer has used illustrative and indicative terms. Actually, what happens next is important as the applicant is not looking to build or develop the site but agree to principle of building on the land only. There are no plans to build at this time. Within the five year land supply, greenfield versus brownfield. There are 195 plots on the brownfield registry. 81.3 hectares are available. The argument that this application is needed may not be true. The application needs to be considered against policies CP 12, 13, 14 and CP1, 19, 20. This is a multiple development, and the reserved matters will be very important. The development is not entirely policy compliant. Recent Planning committees have shown what happens when a developer cannot deliver affordable housing. The reserved matters will be critical to delivering affordable housing on this site. As building costs increase, a different approach could be adopted – identify the master developer first. The councillor requested that the committee agree with the officer recommendation to refuse.
3. Thomas Fallon addressed the committee as an objector on behalf of the Goldstone Valley Residents' Association and stated that they were the chair of the group that represented over 1,000 households. Important issues relate to road safety and pollution. The group agree with the National Highways comments that there will be a big impact on local roads. The traffic report seems flawed as the onsite industry, school and housing will add congestion to the area of narrow residential roads. The amount of engagement has been poor. The proposed loss of the tree coppice and hedging is not good. It was noted that a bus service is not in the plans and no consideration of 'rat runs' created by the development. Pollution may put the water aquifer at risk. The impact on wildlife such as dormice, the national park and nearby Site of Nature Conservation Importance (SNCI) has not been discussed with residents. The committee were requested to refuse the application.
4. Gareth Hall addressed the committee as a local objector and stated that they had two main issues: traffic and wildlife. The roads will be impacted with Goldstone Crescent being chosen as the main route into the development. This will equal a up to 60%, increase in traffic. Twelve other roads will have up to 48% increase. The only mitigation offered are speed humps and the removal of parking in some areas. King George VI Avenue will slow down, and the impact will spread to other roads, which will not be able to cope. Neville Road, an A road, will see some increase. The speaker requested that the main entrance onto the site be at the top of the hill, not the bottom. It was considered that the traffic planning needed more imagination as Goldstone Crescent cannot cope with the traffic increase. The speaker requested that the trees along the road be given Tree Preservation Orders. There seems to be no biodiversity plan which would protect dormice and boundary hedging, and this is a major concern. More information is required for traffic and wildlife management. The committee were requested to refuse the application.

5. Martin Carpenter addressed the committee as the agent acting on behalf of the applicant and stated that they agreed the case officer's report was very comprehensive and they considered that the applicant had met all the main considerations for determining the application. It was noted that the report conclusion welcomed the application in principle, and transport case is well advanced. It was noted that a duplicate Planning application was submitted, and this was an allocated mix use site under City Plan Part One. 18 months of pre-application discussions were held, including many meetings with the council. A total of three years of discussions have been held and all planning matters have been resolved and the majority of matters agreed. The parameter plans are important as they form the framework of the outline plans which the reserved matters will be measured against.
6. The case officer informed the committee that the application before them was to give delegated authority in line with the case officer's recommendation.

Answers to Committee Member Questions

7. Councillor Shanks was informed by Councillor Bagaeen that they supported affordable housing; however, a registered provider was needed, and this should be enforced by condition. Gareth Hall and Thomas Fallon accepted the principle of development on the site.
8. The Housing Officer stated that the council would do everything to make sure a registered provider was onboard.
9. The Head of Transport Policy & Strategy noted that major issues were seen when the application was first submitted. The technical information has been submitted over a long time and this has been a slow process, which is ongoing, with a greater amount of information arriving in the last couple of months. The local highway authority were working as closely as possible with the Planners.
10. Councillor Ebel was informed by the Head of Transport Policy & Strategy that the A253 would be the designated route for Heavy Goods Vehicle (HGV) construction traffic. It was noted that an impact assessment study had been included in the overall assessment and that bus routes, whether changed or bespoke will be looked into, and along with the bus links to central Hove. The Housing Officer noted that the viability assessment would be carried out by the developer, and this was usually submitted when a developer was unable to provide affordable housing. The agent noted that this was a greenfield site and there was no viability case being made for less than 40% affordable housing. The affordable housing being provided is as related by the terms in the report and S106.
11. The Planning Manager confirmed that a viability assessment would only be submitted when a developer was not able to comply with policy. The 40% could not be changed in the reserved matters.
12. Councillor O'Quinn was informed by Ward Councillor Bagaeen that the infrastructure of the area would be impacted by this new community with no GP surgery on site, which would stretch the local infrastructure. Busses are currently one per hour and stop in the early evening. If the site is developed in phases, then the GP surgery and buses will not

be there at the start. The development will affect roads, access, transport, bus routes, water etc, all difficult to manage in parcels.

13. The case officer stated that there would be a new GP surgery on site and a community centre was proposed for phase two of the development.
14. Councillor O'Quinn was informed by the agent that the biodiversity of the 3 Cornered Copse would be increased, and the Traffic Assessment had been accepted in 2017 and then removed as it was not fit for purpose. The case officer informed the councillor that 0.48% of the copse was to be removed.
15. The County Ecologist informed the committee that there was no intention to move wildlife into the 3 Cornered Copse and a central reservation was to be created for dormouse movements. Reptiles are to be moved to the SNCI and north of the A27, and these would be slow worms and common lizards.
16. Councillor Moonan was informed by the agent that the applicant had submitted an appeal for non-determination to focus attention on the application as it needs to be determined. It was noted that future reserved matters applications would use the outline, parameter plans & s.106 framework. The agent confirmed that they were aware that there was a need for a school and a full consultation had taken place over two days and two community updates had taken place which were followed up with answers online. The agent also confirmed that the applicant intends to sell the site once outline planning permission has been granted.
17. The case officer stated that the land for the school formed part of the application as compliance with policy. It was noted that pupil numbers appear to be decreasing but no trend has been defined at this time.
18. Councillor Moonan was informed by the Head of Transport Policy & Strategy that the transport audit is being carried out by an approved consultant via National Highways. It was noted that there was no way of predicting the outcomes. The audit will cover all roads in the neighbourhood. The case officer stated that the self builds will be in phase two, there is no exact location for them and 15 out of the 30 will be affordable housing. It was noted that the S106 will cover the whole site. The Head of Transport Policy & Strategy informed Councillor Moonan that Court Farm access would be in the transport survey, the dotted accesses on the plan would form part of the reserved matters application, and all the road crossings would be light controlled. The Planning manager noted that any Tree Preservation Orders (TPO) would be a separate matter and the objectors would need to contact the Arboricultural Officer.
19. Councillor Barnett was informed by the Head of Transport Policy & Strategy that car parking details would form part of the reserved matters application and would be considered against policy.
20. Councillor Childs was informed by the agent that acoustic fencing along the A27 boundary on highway land was refused by the National Highways Authority. The employment land would be adjacent to the A27, and this would act as a buffer for the school. The housing would need to include acoustic double glazing. It was noted that the employment space would be built by phase two and the space would be marketed

for three years. The number of two bed units would be 50% under current policy, and the number of beds in the affordable housing would be guided by policy.

21. Councillor Shanks was informed by the case officer that the recent Court Farm planning permission had lapsed. The applicant did not own Court Farm and there was no requirement through policy to ask the applicant to explore access through that site.
22. Councillor O'Quinn was informed by the Head of Transport Policy & Strategy that all 6 road crossing would be light controlled. The County Ecologist stated that sheep could be used on the SNCI section of the site to clear back the scrubland to reveal the chalk downland. It was noted that the transport assessment covered a large part of the city and used pre-COVID volumes and movements.
23. Councillor Moonan was informed by the County Ecologist that there were no rare breeding birds on the site and the existing birds would not be disturbed during the breeding season. The dormice would be moved under licence as part of the mitigation strategy, and the reptiles could be moved to the SNCI in phase one and reptile fencing would be used to track and capture, which would have to meet minimum standards with 5 days of no captures to state all clear. Captures would take place at each phase. It was noted there are no rare breeds on site. The SNCI is designated by the local authority and does not have as much protection as Site of Special Scientific Interest, which is designated by Natural England. The Flood Risk Manager noted that by condition the water aquifer was protected.
24. Councillor Childs was informed by the Flood Risk Manager that the quality of water was a Public Health issue. The Head of Transport Policy & Strategy informed the councillor that there were no pedestrian/cycle bridges or tunnels as the costs would be significant and all the road crossing would be light controlled. National Highways had categorically refused to allow acoustic fencing on the boundary land. The case officer stated that the two bed unit policy was to ensure a minimum density across the site and there was no policy for 5 bed. The mix of units was indicative at this stage. The Empty Property officer noted that the affordable housing was made up of 2 and 3 bed units.
25. Councillor Ebel was informed by the case officer that the community centre could be used for religious purposes, but that centre would still need to remain in flexible community use overall. Conditions suggested to the inspector would be examined should they be minded to grant permission.
26. Councillor O'Quinn was informed by the County Ecologist that there were enough licenced ecologists to carry out surveys. There was the potential for Starling and House Sparrow boxes on site. The Head of Transport and Strategy noted that the transport audit will look at the safety of a crossing on the A27 slip road and the pedestrian / cycle access to the downs. The agent noted there was no policy requirement for access onto the A27 from the site.
27. Councillor Childs was informed by the agent that any fencing along the embankment would be significant and impractical. The case officer stated that it was not possible to condition without policy justification employment phase, 2 and 5 bed affordable housing or pedestrian /cycle bridges and tunnels.

28. Councillor Ebel was informed by the agent that the potential total number of residents for the 880 homes could be 2,200.

Debate

29. Councillor Barnett considered traffic to be an issue, the impact on Westdene and Hove Park, and the overdevelopment of the site. The football stadium had been refused on this site for drainage reasons, so why is housing acceptable. The councillor noted the resident's objections and stated they would vote against the application.
30. Councillor O'Quinn stated they had many concerns regarding traffic and noted there was traffic calming already in place due to the number of parked cars in the area. The councillor considered the slip road crossing unsafe and there was the potential for gridlock and requested more ideas on traffic management. The councillor considered the site was attractive to developers and wanted the affordable housing to remain at 40%. Concerns were also raised relating to the aquifer and the number of houses on the site. The councillor stated they were against the application on the grounds of traffic and housing numbers.
31. Councillor Moonan stated they supported the officer recommendation to refuse the application. The councillor considered the development on balance to be good, with a good mix on site. The masterplan was good, as were the ecology responses. Water management may be an issue for the future. The councillor stated they were disappointed that the applicant went to appeal to move the application along. The councillor hoped the traffic audit will tighten-up the traffic issues.
32. Councillor Ebel considered the masterplan to look good, however, the traffic issues were a concern, as was the provision of 40% affordable housing. The councillor considered the transport audit was required.
33. Councillor Shanks was concerned at the length of time the application had taken, they supported the development and understood why the officer had recommended refusal.
34. Councillor Childs noted the housing need and considered the community areas and biodiversity to be good. The impact on the city needed to be looked at, along with the traffic issues and the knock-on effect on the local area. The councillor considered it not reasonable to agree the application and considered there was insufficient modelling on pollution, over development of the site with too many units and lack of parking management. The councillor requested that four conditions be added to the application: developer required to build a swimming pool at the school; employment land was a requirement; 2 of the 5 bed houses should be affordable housing, and the development includes pedestrian / cycle bridges and tunnels.
35. Councillor Littman noted there were 53 units per hectare, which is below policy. The councillor considered there were lots of positives to the site and noted there had been 88% of development is on brownfield sites, the councillor considered the ecology and drainage systems to be acceptable. The councillor supported the officer recommendation.
36. The Planning Manager stated in response to comments that a school was included in the application, 880 dwellings was within strategic density, and in respect of the

conditions, it would not be reasonable to regarding cost to include a swimming pool, there is no policy support for the employment space and pedestrian / cycle bridges and tunnels would be outside the site boundaries and therefore outside the developer’s control. It would also not be reasonable to insist on 2 and 5 bed affordable housing.

37. Councillor Moonan suggested the affordable housing requirement for 2x 5 bed houses to be submitted as an informative instead. The chair and committee supported the suggestion. Councillor Childs asked for the bridge/tunnels to be an informative too.

Vote

38. A vote was taken, and the committee voted unanimously to support the officer’s recommendation to refuse the application.

39. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that had the planning application come before the Committee for determination it would have **REFUSED** planning permission for the reasons set out in the report.

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

98.1 There were none for this meeting.

99 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

99.1 There were none for this meeting.

100 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

100.1 There were none for this meeting.

101 APPEAL DECISIONS

101.1 There were none for this meeting.

The meeting concluded at 2.21pm

Signed

Chair

Dated this

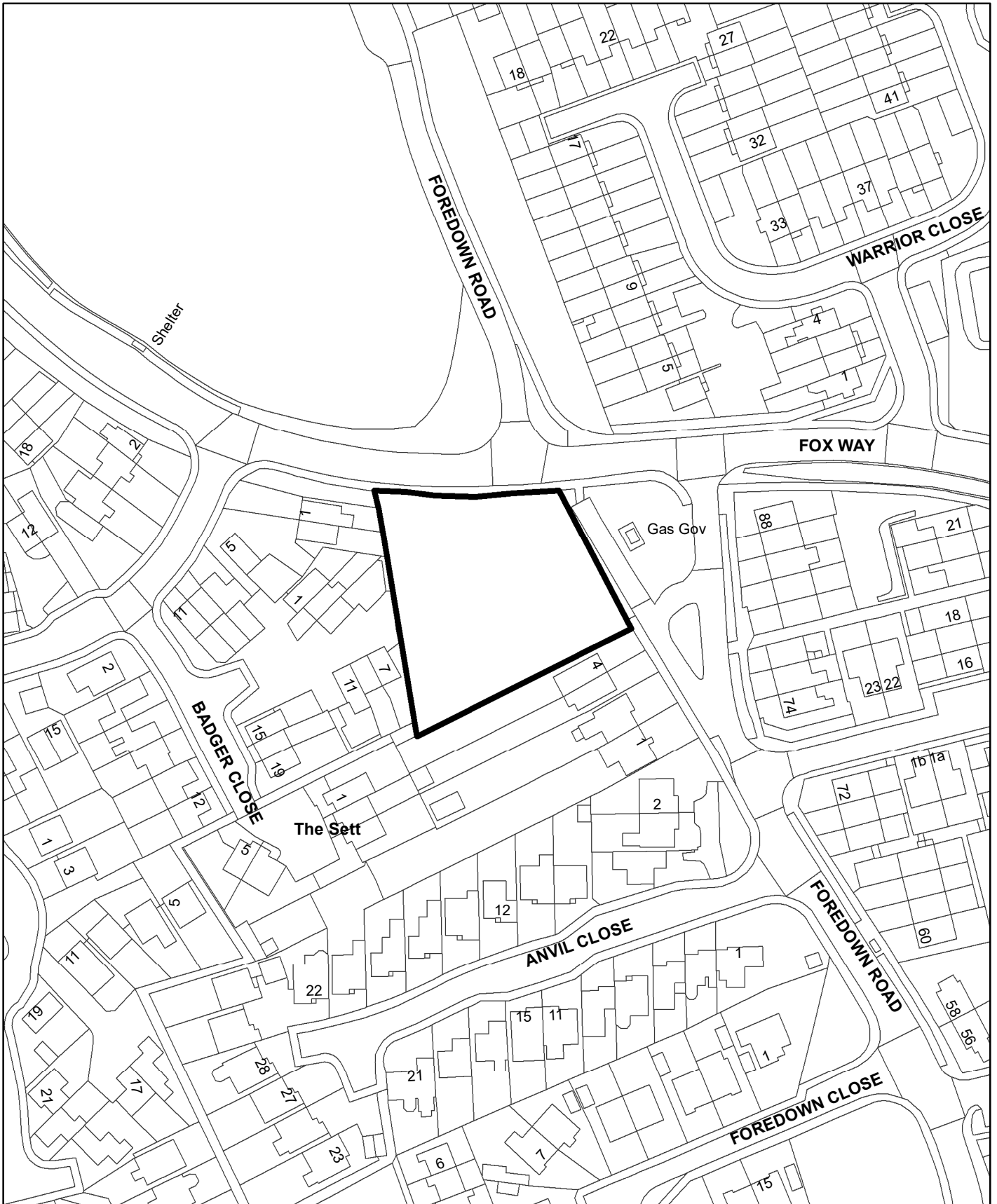
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ITEM A

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

DATE OF COMMITTEE: 4th May 2022

BH2021 00780 - Land At Junction, Foredown Road



N



Scale: 1:1,250

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

Background:

This application was originally presented to Planning Committee on the 7th July 2021. Members were minded to grant planning permission subject to the provision of four affordable dwellings off-site.

In the intervening period, planning permission was refused for the conversion of 43-45 Bentham Road to create 8no studio flats and 1no two bedroom flat incorporating single storey rear conservatory extensions, insertion of windows to front & rear elevations, rooflights to east and west roof slopes, new front boundary wall and associated works (ref: BH2021/00770) at Planning Committee on the 3rd November 2021.

This application seeks an alternative solution to provide the affordable housing through a commuted sum.

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **27th July 2022** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12.1 of this report.

Section 106 Head of Terms:

Affordable housing:

- An in-lieu affordable housing financial contribution of £756,500

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	20234/11		4 March 2021
Location Plan	20234/99		4 March 2021
Proposed Drawing	20234/21	B	18 June 2021
Proposed Drawing	FWP/SR/2001	G	18 June 2021
Report/Statement	Reptile Presence/Absence Survey Report	Issue 1.0	4 March 2021

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

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

3.
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping.
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

4. The scheme for the reserved matters in respect of layout shall include an area on open space.

Reason: To ensure open space is provided in the scheme and to comply with policy CP16 of City Plan Part One.

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

- (i) The phases of the Proposed Development including the forecasted completion date
- (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints

- will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (iv) Details of hours of construction including all associated vehicular movements
 - (v) Details of the construction compound
 - (vi) A plan showing construction traffic routes

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

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan, CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the Proposed Submission Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03.

6. No development shall take place until a scheme setting out highway works has been submitted to and approved in writing by the Local Planning Authority. These works shall include the following:
- New or improved footways will be a minimum 2m width as advised in the Department for Transport Manual for Streets with full height kerbs including the proposed footway along the western side of the old section of Foredown Road between existing dwellings and Fox Way and the proposed footway extension across the grass between new and old sections of Foredown Drive.
 - Full height kerbs will be reinstated along the eastern side of the old section of Foredown Road south of the existing community recycling centre and the area behind them will be reinstated with soil and grass.
 - The applicant has proposed to create a new paved area to the east of the proposed community recycling centre and north of the existing community recycling centre and this will be kept in the design with dropped kerbs, paving and tactile paving if necessary as it is on the existing pedestrian desire line between the site and the existing Fox Way pedestrian crossing point.
 - Dropped kerb crossings with paving and tactile paving will be provided either side of the new access to the site in the old section of Foredown Road.
 - Dropped kerb crossings with paving and tactile paving will be provided between the end of the proposed footway extension and the appropriate footway section of the old Foredown Road.
 - A footway across the existing verge and dropped kerb crossings with paving and tactile paving will be provided across the new section of Foredown Road immediately north of its junction with Flint Close to link the south-east to the site similar to how it is proposed to link the north-east to the site with the footway extension.
 - Existing vehicular accesses onto the old section of Foredown Road are to be maintained except for the existing one marked on the submitted

drawings as number 1 that will have its existing vehicle crossover extended to the new section of Foredown Road.

- Revised road layout design and construction to include as a minimum, appropriate widths, radii, gradients, surface water drainage, street lighting, signage, materials and methods of construction.
- The northern end of the old section of Foredown Road and its' environs is to be paved and landscaped so it creates an attractive and appropriate connection with the existing southern Fox Way footway.
- All redundant areas of road and footway to be reused, recycled or reduced by burial or removal from site as appropriate and reinstated with kerbs, soil and grass.

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

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

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

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the Proposed Submission Brighton and Hove City Plan Part Two.

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

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the Proposed Submission Brighton and Hove City Plan Part Two.

9. No development shall take place (including any demolition, ground works, site clearance) until a method statement for rescue and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- (a) purpose and objectives for the proposed works;
- (b) detailed design(s) and / or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- (c) extent and location of proposed works shown on appropriate scale maps and plans;

- (d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- (e) persons responsible for implementing the works;
- (f) initial aftercare and long-term maintenance (where relevant);
- (g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect species identified in the ecological surveys from adverse impacts during construction in compliance with Policies CP10 of the Brighton & Hove City Plan Part One, QD18 of the Brighton & Hove Local Plan and DM37 of the Proposed Submission Brighton and Hove City Plan Part Two, and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.

10. A landscape and ecological management plan (LEMP) for the reptile receptor site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement 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;
- (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: Reptile receptor sites should not be subject to planning or other threats in the foreseeable future and should be subject to a written, agreed and funded pre- and post-translocation management agreement. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features in compliance with CP10 of the Brighton & Hove City Plan Part One, QD18 of the Brighton & Hove Local Plan and DM37 of the Proposed Submission Brighton and Hove City Plan Part Two.

11. Prior to first occupation of the residential accommodation hereby approved, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) 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 the above species using their territory or having access to their breeding sites and resting places.

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. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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 legislation and is required to comply with Policies QD18 and QD25 of the Brighton & Hove Local Plan, CP10 of the Brighton & Hove City Plan Part One and DM37 of the Proposed Submission Brighton & Hove City Plan Part Two.

12. No development shall take place until an ecological design strategy (EDS) addressing mitigation for the loss semi-improved grassland and scrub, protection of retained habitats, and enhancement of the site for biodiversity, in line with the recommendations made in the Preliminary Ecological Appraisal (The Ecology Co-op, dated 20/11/19) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- (a) purpose and conservation objectives for the proposed works;
 - (b) review of site potential and constraints;
 - (c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - (d) extent and location /area of proposed works on appropriate scale maps and plans;
 - (e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - (f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - (g) persons responsible for implementing the works;
 - (h) details of initial aftercare and long-term maintenance;
 - (i) details for monitoring and remedial measures;
 - (j) details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National

Planning Policy Framework, and Policies CP10 of the Brighton & Hove City Council City Plan Part One, QD15 of the Brighton & Hove Local Plan and DM22 and DM37 of the Proposed Submission Brighton and Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that they must enter into a Section 278 Agreement with the Local Highway Authority prior to any works commencing on the adopted highway.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under Condition 7 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to an area of scrubland to the south side of Fox Way and to the west of its junction with the southern part of Foredown Road in Portslade. Badger Close, including 1-9 The Sett, is to the west, as is a pedestrian footpath, which is blocked off at the south western corner of the site. Immediately to the east is a service road for the 'gas governor Portakabin', telephone mast and recycling bins as well as grass mounds. The site is not within a conservation area, is not a listed building or within the vicinity of one and is not within a Controlled Parking Zone (CPZ).
- 2.2. It is worth noting that the site is allocated for residential development (ten new houses) in Draft City Plan Part Two Policy H1 (Housing Sites & Mixed-Use Sites) which can be given significant weight, and the 2019 update to the Strategic Housing Land Availability Assessment.

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

3. RELEVANT HISTORY

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

4. REPRESENTATIONS

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

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

5. CONSULTATIONS

- 5.1. **Air Quality:** No objections
- 5.2. **City Regeneration / Economic Development:** No adverse comments, subject to a sum of £5,600 to support the Council's Local Employment Scheme and an Employment & Training Strategy.
- 5.3. **County Archaeology:** Recommend for refusal due to insufficient information
- 5.4. **Designing Out Crime Officer:** No detailed comment
- 5.5. **Ecology:** Recommended for approval in principle subject to conditions
- 5.6. **Planning Policy:** Approve with conditions
- 5.7. **Southern Water:** Require the applicant to make a formal application for a connection to the foul sewer; request engagement regarding the design for disposal of surface water; seek details of the proposed means of foul sewerage

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

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

5.9. **Transport:** Seek amendments

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

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP19	Housing mix

CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
QD27 Protection of amenity

Brighton & Hove City Plan Part 2:

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

DM19 Maximising Development Potential
DM20 Protection of Amenity
DM33 Safe, Sustainable and Active Travel
DM37 Green Infrastructure and Nature Conservation
H1 Housing Sites and Mixed Use Sites

Other Documents

Open Space Study Update 2011
Urban Characterisation Study 2009
Developer Contributions Technical Guidance - June 2016

8. CONSIDERATIONS & ASSESSMENT

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

Principle of development:

8.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).

8.4. As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with

the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.5. As previously noted, the site is a Residential Site Allocation within Table 5 of Draft City Plan Part Two Policy H1. The indicative number of residential units is 10. The proposed development would result in the gain of 14 units and would therefore make a small, but important contribution towards the Council's housing target given the importance of maximising the use of sites, which must be given significant weight.
- 8.6. Another matter regarding the principle of development is the loss of open space, which this site is considered to be. City Plan Part One Policy CP16 outlines that proposals that result in the loss of open space will only be granted subject to a number of criteria. In this case, criteria (a) applies since the loss results from a development allocation in a development allocation. However, regard must be had to maintaining some open space (physically or visually). This could be through outdoor play opportunities and community gardens that help to provide access to nature, local food growing and wellbeing benefits as well as social cohesion.
- 8.7. No such facilities are proposed in this scheme other than private gardens. However, since the layout plan is indicative only and layout and landscaping will be addressed through a reserved matters application, the lack of open space at this stage cannot form a reason for refusal. It is noted that the proximity of the South Downs National Park and children's play facilities will not be considered to be adequate justification for not maintaining some open space on site at the reserved matters stage. If open space is not provided on site then appropriate alternative provision or a financial contribution towards off-site provision will be required via a legal agreement.
- 8.8. As such, the principle of development is considered acceptable. The acceptability or otherwise of the scheme is subject to affordable housing, the unit mix, density and a satisfactory access. This is discussed below.
- 8.9. **Affordable housing:** City Plan Part One Policy CP20 requires 30% onsite affordable housing provision on sites of between 10 and 14 (net) dwellings or as an equivalent financial contribution.
- 8.10. This application was previously heard at Planning Committee with approval given for four dwellings of affordable housing to be provided off-site at 43-45 Bentham Road. That application (BH2021/00770) was refused, also at Planning Committee, and therefore the applicant has sought to find another solution. On-site provision is preferred, but where this is not possible or viable then Policy CP20 does allow for an equivalent financial contribution to be paid to the Council.
- 8.11. In this case, it is considered that it would be extremely unlikely Registered Providers (RPs) would agree to manage four dwellings given the very small number of units, which they would not be viable for them on financial or

operational grounds. This has been evidenced and accepted on several other sites in the city.

- 8.12. The equivalent financial contribution is the Housing Department's preferred option and would be used to develop affordable housing elsewhere through one of the Council's expanding programmes. Therefore, the equivalent financial contribution has been satisfactorily justified and is considered acceptable in this case.

Unit mix:

- 8.13. An equal mix of two- and three-bed dwellinghouses are proposed, namely seven of each. A unit mix compliant with the demographic analysis of the demand / need (for both market and affordable homes) for homes in the city undertaken by the Council would be three x 1 bed dwellings, five x 2 bed dwellings, four x 3 bed dwellings and two x 4 bed.

- 8.14. However, it is considered that the provision of one-bedroom dwellings has historically exceeded the predicted needs of the city, whereas there remains a significant shortfall in meeting the requirement for family sized dwellings. Further, with regards to market housing two- and three-bed dwellings are in most demand within the city, and this site is close to the National Park and children's play facilities, with stated aims of being a family friendly development. On this basis, the lack of one-bed dwellings is considered acceptable.

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

Density:

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

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

- 8.18. Matters of design, impact on the character of the neighbourhood, type and size of dwelling and outdoor recreation space will be dealt with at reserved matters stage. However, it is evident that the site is easily accessible by sustainable transport given it is 7 minutes by bike, 12 minutes by bus and 21 minutes by

foot from Portslade train station and six minutes, less than 20 minutes and 23 minutes respectively from Fishersgate train station. It is also 1-2 minute walk to the nearest bus stops served by a total of four routes. In terms of local services and community facilities, primary schools, Portslade high street, Portslade Sports Centre and Village Hall are all a short distance away.

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

Access:

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

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

- 8.1. A raised pedestrian crossing table was previously proposed but would have adversely affected parking and stopping vehicles in that section of the proposed access, caused problems for emergency service vehicles and caused road safety and maintenance problems. It has therefore been removed and replaced with dropped kerbs and tactile paving. This is considered acceptable.

- 8.2. The inclusion of an additional section of footway in this application is welcomed in order to provide a connection between the existing footways in Foredown Road and Fox Way. The installation of this can be secured through a Section 278 (of the Highways Act 1980) Agreement.

- 8.3. Although outside the remit of this application, it is noted that the Local Highway Authority are satisfied with the amount of car parking spaces and the forecasted vehicle trip movements, which would not overwhelm the existing highway network.

Other matters:

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

9. CONCLUSIONS

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

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The amount of CIL liability for C3 use in Charging Zone 3 is £75/sqm. The exact amount will be confirmed at reserved matters stage.

11. EQUALITIES

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

12. CLIMATE CHANGE / BIODIVERSITY

- 12.1. The site doesn't have good links to facilities other than outdoor space, but is relatively well served by bus routes and cycle parking is proposed, reducing reliance on cars. The proposal would make better use of land and includes planting, details of which would come forward at reserved matters stage.

13. LEGAL AGREEMENT / OBLIGATIONS

- 13.1. In the event that the S106 agreement has not been signed by all parties by the date set out in paragraph 1.1, the application shall be refused for the following reason:

1. The proposed development fails to provide necessary affordable housing contribution and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One.

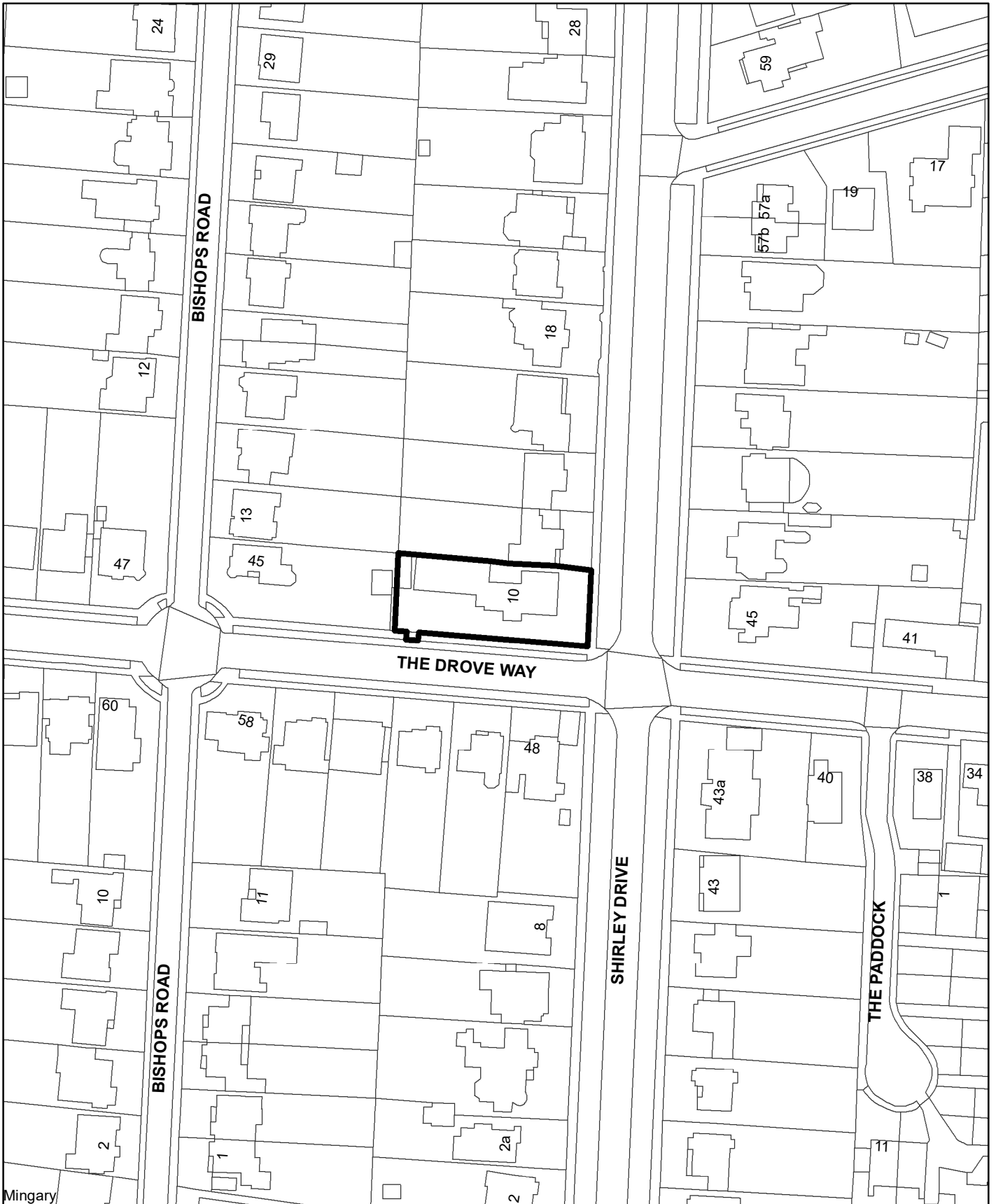
Affordable housing is required to be provided because the proposed development involve the provision of more than 5 units of residential accommodation and to comply with the requirements of City Plan Part One Policy CP20.

ITEM B

**10 Shirley Drive
BH2021/04525
Removal or Variation of Condition**

DATE OF COMMITTEE: 4th May 2022

BH2021 04525 - 10 Shirley Drive



N



Scale: 1:1,250

<u>No:</u>	BH2021/04525	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	10 Shirley Drive Hove BN3 6UD		
<u>Proposal:</u>	Application to vary conditions 4 (plans), 9 (cycle parking) and 10 (refuse and recycling) of outline planning permission BH2017/02869 (allowed on appeal).		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	23.12.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.03.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	29.04.2022
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	CCS Holdings C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2017/02-P-212	F	20 January 2022
Proposed Drawing	2017/02-P-216	C	20 January 2022
Proposed Drawing	2017/02-P-218	F	23 February 2022
Proposed Drawing	2017/02-P-220	G	23 February 2022
Proposed Drawing	2017_02-P-213	E	23 February 2022
Proposed Drawing	2017_02-P-214	C	20 January 2022
Proposed Drawing	2017_02-P-215	C	20 January 2022
Proposed Drawing	2017_02-P-217	G	23 February 2022
Proposed Drawing	2017_02-P-219	H	23 February 2022
Proposed Drawing	2017_02-P-222	B	23 February 2022
Proposed Drawing	2017_02-P-223	B	23 February 2022
Other	External Materials List		1 March 2022
Proposed Drawing	Land Survey		10 June 2020
Arboricultural Report	Arboricultural Method Statement		10 June 2020
Report/Statement	CEMP		10 June 2020

Report/Statement	Drainage Report		2 December 2020
Arboricultural Report	Tree Protection Plan		10 June 2020

2. Not used
3. Not used
4. Not used
5. The development hereby permitted shall be undertaken in accordance with the details approved under application BH2020/01554 of existing and proposed ground levels (referenced as Ordnance Datum) within the site along with the finished floor levels of all buildings and structures.
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, CP12 of the Brighton & Hove City Plan Part One, and DM20 of the Brighton & Hove City Plan Part Two.
6. The development hereby permitted shall not be occupied until a scheme of boundary treatment has been implemented in accordance with details first submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be retained thereafter.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One, and DM20 of the emerging Brighton & Hove City Plan Part Two.
7. The development hereby permitted shall be undertaken, before the development is first occupied, in accordance with the details approved under application BH2020/01554 with regard to the drainage system.
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 and DM42 of the emerging City Plan Part Two.
8. The development hereby permitted shall be undertaken in accordance with the details approved under application BH2020/01554 with regard to tree protection measured outlined in the tree protection plan and arboriculture method statement received on the 10 June 2020.
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, CP13 of the Brighton & Hove City Plan Part One, DM22 of the emerging City Plan Part Two and SPD06:Trees and Development Sites.
9. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made

available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policies TR14 of the Brighton & Hove Local Plan and DM36 of the emerging Brighton & Hove City Plan Part Two, and SPD14 Parking Standards.

10. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, Policy DM21 of the Submission City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

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

12. The development hereby permitted shall not be occupied until the new 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, CP9 of the Brighton & Hove City Plan Part One, and DM33 of the emerging City Plan Part Two.

13. The development hereby permitted shall not be occupied until the redundant vehicle crossovers on Shirley Drive and The Drove have been converted back to a footway/ grass verge by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One, and DM33 of the emerging City Plan Part Two.

14. No external lighting shall be installed at the development hereby permitted until its details (including levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance) have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed, operated and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan, and DM20 and DM40 of the emerging City Plan Part Two.

15. 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.
16. 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.
17. The development hereby permitted shall be undertaken in accordance with the CEMP details approved under application BH2020/01554.
Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, policies DM33 DM20, DM40 of the emerging City Plan Part Two, 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.
18. Prior to first occupation of the development hereby permitted a bee brick shall be incorporated within the external wall 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.
19. Prior to first occupation of the development hereby permitted 20 (twenty) 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be

funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

3. Reinstatement of Redundant Vehicle Crossing: 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.
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 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. 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.
7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application relates to a substantial detached property located on the western side of Shirley Drive, at the junction with The Droveway. The site slopes downwards from west to east.

- 2.2. The property contains a two-storey single dwelling with rooms in the roofspace and a large lower ground floor area which includes a pool, home cinema, gym and spa. This is housed in an extension which is built hard up against the northern site boundary and takes up a large part of the rear garden. There is a garage to the rear with access from The Drove as well as a vehicular parking area to the front of the property.
- 2.3. The surrounding area is predominantly residential in character, generally characterised by large, detached properties with good sized gardens.

3. RELEVANT HISTORY

- 3.1. **BH2020/01325** Application for approval of details reserved by condition 3 (external material samples) of application BH2019/03817. Approved 30.07.2020
- 3.2. **BH2021/00029** Certificate of lawfulness to prove that a 'substantive start' has been made for the works approved under BH2017/02869 [Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3)]. Approved 04.03.2021.
- 3.3. **BH2020/01554** Application for approval of details reserved by conditions 5 (ground levels), 7 (drainage system), 8 (tree protection), 10 (refuse storage) and 17 (CEMP) of application BH2017/02869. Approved 16.12.2020.
- 3.4. **BH2020/01325** Application for approval of details reserved by condition 3 (external material samples) of application BH2019/03817. Approved 30.07.2020.
- 3.5. **BH2019/03817** Reserved Matters application pursuant to outline approval BH2017/02869 for approval of appearance and landscaping, relating to demolition of existing house and erection of 10no flats with associated parking (C3). Approved 26.03.2020.
- 3.6. **BH2017/02869** Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3). Refused 25.07.2018. Appeal allowed 28.03.2019.
- 3.7. **BH2006/02036** Single storey rear extension to accommodate hydrotherapy pool and alterations to basement. Approved 29.09.2006.
- 3.8. **BH2004/03602/FP** Demolition of existing two storey side extension and construction of two storey side extension and garden wall. Approved 03.05.2005.
- 3.9. **BH1997/00424/FP** Two storey extension and front dormer. Approved 17.07.1997

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought under Section 73 of The Town and Country Planning Act to vary conditions 4 (plans), 9 (cycle parking) and 10 (refuse and recycling) of outline planning permission BH2017/02869 (allowed on appeal).
- 4.2. Outline Planning Permission (BH2017/02869) was secured on appeal in 2019 for the demolition of the existing house, and the erection of ten flats. The subsequent Reserved Matters application (BH2019/03817), relating to the development's appearance and landscaping, was approved by Planning Committee in 2020. It is noted that the development has commenced, however is limited to minor excavations rather than substantial building works.
- 4.3. The present application seeks minor changes to the approved outline scheme, including the following:
 - Owing to availability of materials, substitute bricks proposed to elevations;
 - Minor changes to fenestration detail and placement;
 - Minor changes to landscaping features and materials, including bin store area;
 - Cycle store details.
- 4.4. Amended plans have been received during the life of the application which annotate the external changes more clearly, and update the cycle parking facilities following comments from the highways officer.
- 4.5. Plans and some details were approved under the outline planning permission, but there is also a parallel application, to be considered by this Committee, seeking amendments to the Reserved Matters permission where they affect landscaping and appearance (ref. BH2021/04527).

5. REPRESENTATIONS

None

6. CONSULTATIONS

External

6.1. **County Archaeologist:** No objection

No significant below ground archaeological remains are likely to be affected.

6.2. **Ecology:** No objection

The proposed condition variations are unlikely to have any impacts on ecology.

6.3. **Sussex Police:** No objection

Internal

6.4. **Air Quality** No objection on grounds of air quality and emissions.

6.5. **Heritage:** No objection

Considered the application and no comments.

- 6.6. **Planning Policy:** No objection
Considered the application and no comments.
- 6.7. **Private Sector Housing:** No objection
Considered the application and no comments.
- 6.8. **Sustainability:** No objection
No comments on the proposals from a sustainability perspective.
- 6.9. **Sustainable Transport:** Comment
Further Information requested in relation to cycle parking provision.
- 6.10. **Sustainable Drainage:** No objection
There is no material change to flood risk and drainage by this variation and the information submitted previously to discharge condition 7 remains valid for the revised plans.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity

CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Brighton & Hove City Plan Part 2

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The merits of the wider scheme have been substantially discussed as part of the preceding application (BH2017/02869). The principle of the demolition of the house and the erection of ten flats has been previously considered and found to be acceptable. The quantum, siting and scale and massing of the proposed development have not been altered.
- 9.2. The assessment of this application will therefore relate to those aspects of the current scheme that differ from the previous application, namely to vary conditions 4 (plans), 9 (cycle parking) and 10 (refuse and recycling) of the outline planning permission.

External Changes

- 9.3. The proposed plans include minor changes to fenestration detail and placement, as well as changes to materials. Previously the walls were approved as a marble style tile cladding with a complementary stone cladding for the projecting bays. It was proposed that the top storey would be clad in aluminium to simulate the appearance of 'Corten' steel.
- 9.4. The elevations are now proposed to incorporate a Nordic White brick for the main building, and a traditional grey multistock brick for the projecting bays and top storey. The surrounding properties are a mix of brickwork and white render and it is considered that the more traditional materials proposed would therefore be in keeping from the existing character and appearance of the streetscene.
- 9.5. Landscaping changes to the plans include minor changes to planting, walls and fences, cycle store and refuse/ recycling area, including a retaining wall is proposed around the refuse/recycling area instead of a fence.
- 9.6. The revisions are not considered to impact on the overall quality of the development nor detrimentally impact on neighbouring amenity and are therefore considered acceptable.

Cycle Parking

- 9.7. Condition 9 reads as follows:
The development hereby permitted shall not be occupied until secure cycle parking facilities have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained and shall be available for use at all times thereafter.
- 9.8. Details of cycle parking have been submitted which include spaces for 15 cycles in a shelter with a combination of Sheffield Stands and Semi Vertical Stands. This is considered acceptable for a development of this size and complies with policy.

Conclusion:

- 9.9. For the reasons outlined the application is recommended for approval.

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. Step-free access to the (new-build) dwellings appears to be achievable; wheelchair access is provided by a fully accessible lift which serves each floor and there would be level access from the car parking area. A disabled parking space is proposed.
- 10.2. Policy DM1 and saved Policy HO13 states that a proportion of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard. However as this is 9 net dwellings this does not apply.

11. CLIMATE CHANGE/BIODIVERSITY

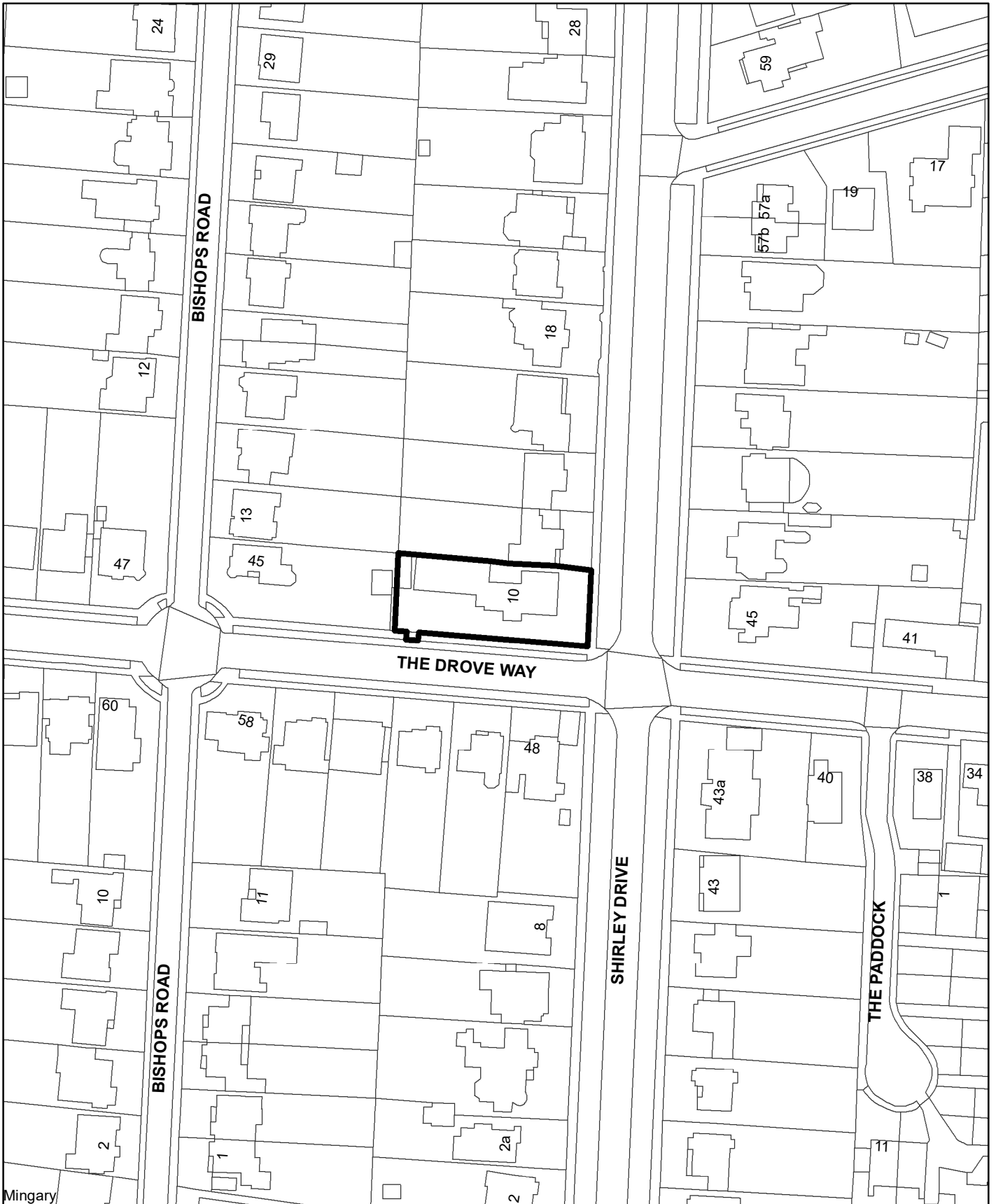
- 11.1. The application site is previously developed (brownfield) land, within a sustainable location with good access to public transport links and local facilities. Cycle parking is proposed, reducing reliance on cars. A bee brick and swift bricks should be secured by condition.

ITEM C

**10 Shirley Drive
BH2021/04527
Removal or Variation of Condition**

DATE OF COMMITTEE: 4th May 2022

BH2021 04527 - 10 Shirley Drive



N



Scale: 1:1,250

<u>No:</u>	BH2021/04527	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	10 Shirley Drive Hove BN3 6UD		
<u>Proposal:</u>	Application to vary conditions 1 (plans), 2 (landscaping) and 3 (materials) of reserved matters application BH2019/03817.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	23.12.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.03.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	29.04.2022
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	CCS Holdings C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2017_02-P-212	F	20 January 2022
Proposed Drawing	2017_02-P-213	E	23 February 2022
Proposed Drawing	2017_02-P-214	C	23 December 2021
Proposed Drawing	2017_02-P-215	C	20 January 2022
Proposed Drawing	2017_02-P-216	C	20 January 2022
Proposed Drawing	2017_02-P-217	G	23 February 2022
Proposed Drawing	2017_02-P-218	F	23 February 2022
Proposed Drawing	2017_02-P-219	H	23 February 2022
Proposed Drawing	2017_02-P-220	G	23 February 2022
Proposed Drawing	2017_02-P-222	B	23 February 2022
Proposed Drawing	2017_02-P-223	B	23 February 2022
Other	External Materials List		1 March 2022
Report/Statement	Landscaping Report	Glorious Gardens	11 March 2020

2. The landscaping scheme detailed on drawing no. 2017_02-P-223 B received on 23 February 2022 shall be carried out in the first planting and seeding season following the first occupation of the building/use hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM22 and DM43 of the emerging Brighton & Hove City Plan Part Two, and SPD06, SPD11 and SPD16.

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM21 of the emerging 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. SITE LOCATION

- 2.1. The application relates to a substantial detached property located on the western side of Shirley Drive, at the junction with The Droveaway. The site slopes downwards from west to east.
- 2.2. The property contains a two-storey single dwelling with rooms in the roofspace and a large lower ground floor area which includes a pool, home cinema, gym and spa. This is housed in an extension which is built hard up against the northern site boundary and takes up a large part of the rear garden. There is a garage to the rear with access from The Droveaway as well as a vehicular parking area to the front of the property.
- 2.3. The surrounding area is predominantly residential in character, generally characterised by large, detached properties with good sized gardens.

3. RELEVANT HISTORY

- 3.1. **BH2020/01325** Application for approval of details reserved by condition 3 (external material samples) of application BH2019/03817. Approved 30.07.2020

- 3.2. **BH2021/00029** Certificate of lawfulness to prove that a 'substantive start' has been made for the works approved under BH2017/02869 [Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3)]. Approved 04.03.2021.
- 3.3. **BH2020/01554** Application for approval of details reserved by conditions 5 (ground levels), 7 (drainage system), 8 (tree protection), 10 (refuse storage) and 17 (CEMP) of application BH2017/02869. Approved 16.12.2020.
- 3.4. **BH2020/01325** Application for approval of details reserved by condition 3 (external material samples) of application BH2019/03817. Approved 30.07.2020.
- 3.5. **BH2019/03817** Reserved Matters application pursuant to outline approval BH2017/02869 for approval of appearance and landscaping, relating to demolition of existing house and erection of 10no flats with associated parking (C3). Approved 26.03.2020.
- 3.6. BH2017/02869 Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3). Refused 25.07.2018. Appeal allowed 28.03.2019.
- 3.7. **BH2006/02036** Single storey rear extension to accommodate hydrotherapy pool and alterations to basement. Approved 29.09.2006.
- 3.8. **BH2004/03602/FP** Demolition of existing two storey side extension and construction of two storey side extension and garden wall. Approved 03.05.2005.
- 3.9. **BH1997/00424/FP** Two storey extension and front dormer. Approved 17.07.1997

4. APPLICATION DESCRIPTION

- 4.1. Outline Planning Permission (BH2017/02869) was secured on appeal in 2019 for the demolition of existing house and erection of 10x flats. The subsequent Reserved Matters application (BH2019/03817) with regard to Appearance and Landscaping was approved by Planning Committee in 2020. It is noted that the development has commenced, however is limited to minor excavations rather than substantial building works.
- 4.2. Planning permission is now sought to vary conditions 1 (plans), 2 (landscaping) and 3 (materials) of reserved matters application BH2019/03817 to allow minor changes including the following:
- Owing to availability of materials, substitute bricks proposed to elevations;
 - Minor changes to fenestration detail and placement;
 - Minor changes to landscaping features and materials, including bin store area.

- 4.3. Amended plans have been received during the life of the application which annotate the external changes more clearly.
- 4.4. There is also a parallel application, to be considered by this Committee, seeking amendments to the plans and details approved under the Outline Planning Permission where (BH2021/04525).

5. REPRESENTATIONS

- 5.1. **One (1)** representation has been received objecting to the proposed development for the following reasons:
- Overdevelopment
 - Poor design
 - Flats out of character with area
 - Flood risk
- 5.2. The objection relating to impact on property values is noted, however is not a material planning consideration.

6. CONSULTATIONS

External

- 6.1. **County Archaeologist:** No objection.
No significant below ground archaeological remains are likely to be affected.
- 6.2. **Ecology:** No objection.
The proposed condition variations are unlikely to have any impacts on ecology.
- 6.3. **Sussex Police:** No objection
- ### Internal
- 6.4. **Air Quality** No objection.
- 6.5. **Economic Development:** No objection.
Considered the application and no comments.
- 6.6. **Planning Policy:** No objection
Considered the application and no comments.
- 6.7. **Private Sector Housing:** No objection
Considered the application and no comments.
- 6.8. **Sustainability:** No objection
No comments on the proposals from a sustainability perspective.
- 6.9. **Sustainable Transport:** No objection subject to clarification that the proposed tree will not impede access to car parking bays.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

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
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity

Brighton & Hove City Plan Part 2

Policies in this Plan 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. Some policies have gained further weight following the CPP2

examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. Details in regard to landscaping and materials have been agreed as part of the reserved matters application (BH2020/01325), and approval of details application (BH2020/01325) relating to external materials.
- 9.2. The now proposed plans include minor changes to fenestration detail and placement, as well as changes to materials. Previously the walls were approved as a marble-style tile cladding with complementary stone cladding for the projecting bays. It was proposed that the top storey would be clad in aluminium to simulate the appearance of 'Corten' steel.
- 9.3. The elevations are now proposed to incorporate a Nordic White brick for the main building, and a traditional grey multistock brick for the projecting bays and top storey. The surrounding properties are a mix of brickwork and white render and it is considered that the more traditional materials proposed would therefore be in keeping from the existing character and appearance of the streetscene.
- 9.4. Landscaping changes to the plans include minor changes to planting, walls and fences, cycle store and refuse/ recycling area, including a retaining wall is proposed around the refuse/recycling area instead of a fence.
- 9.5. The revisions are not considered to impact on the overall quality of the development nor detrimentally impact on neighbouring amenity and are therefore considered acceptable.

Conclusion:

- 9.6. For the reasons outlined the application is recommended for approval.

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. Step-free access to the (new-build) dwellings appears to be achievable; wheelchair access is provided by a fully accessible lift which serves each floor and there would be level access from the car parking area. A disabled parking space is proposed.

11. CLIMATE CHANGE/BIODIVERSITY

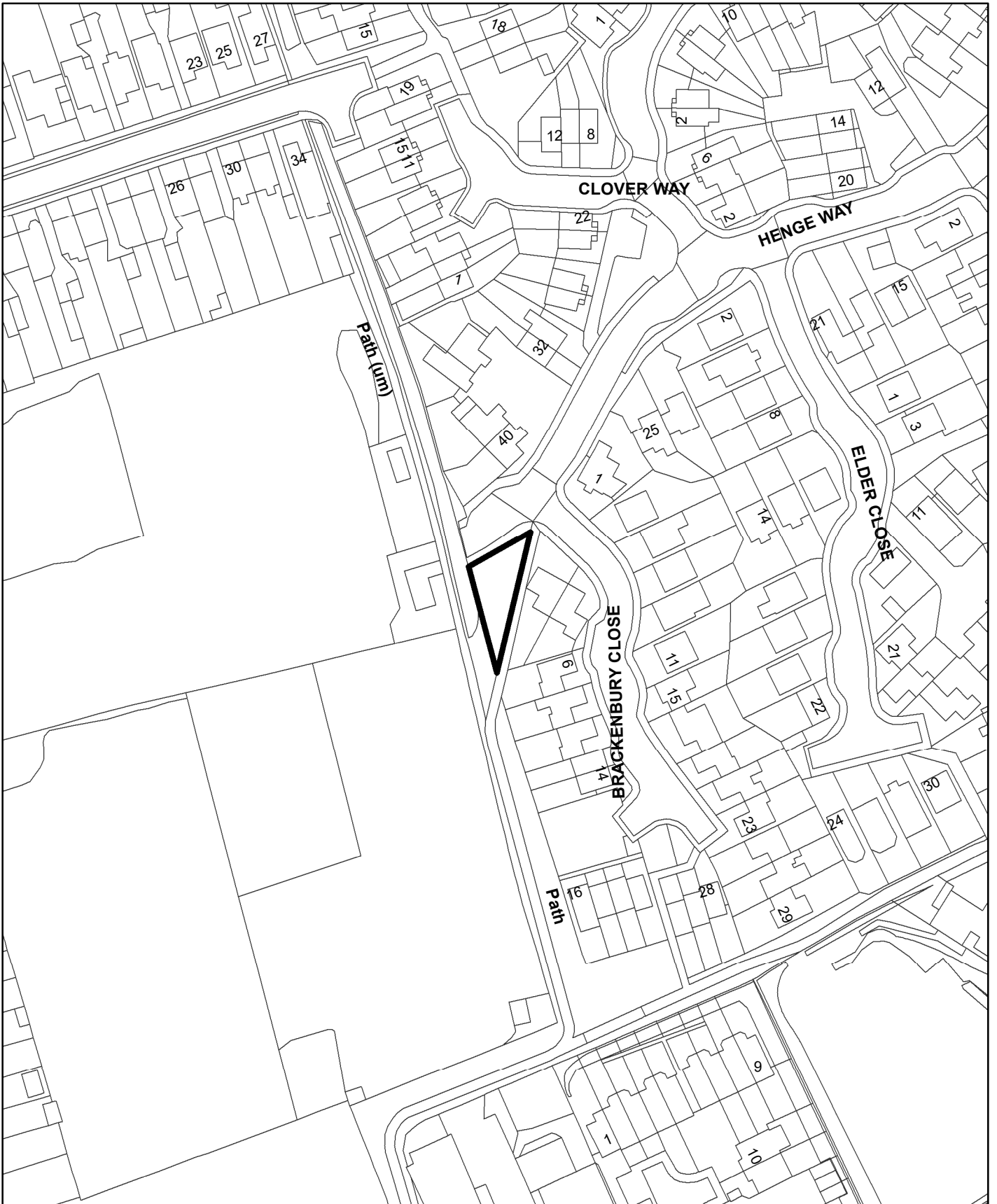
- 11.1. The application site is previously developed (brownfield) land, within a sustainable location with good access to public transport links and local facilities.

ITEM D

**Henge Way
(Land Next To 2 Brackenbury Close)
BH2021/03074
Full Planning**

DATE OF COMMITTEE: 4th May 2022

BH2021 03074 - Henge Way



N



Scale: 1:1,250

<u>No:</u>	BH2021/03074	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Henge Way, Portslade (Land Next To 2 Brackenbury Close Portslade BN41 2ES)		
<u>Proposal:</u>	Erection of two storey dwellinghouse (C3) with hardstanding and creation of vehicle crossover (retrospective: required due to non-compliance with Condition 1 of BH2019/01409)		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	04.10.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29.11.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Packham Construction 89 Church Road Hove BN3 2BB		

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	1190/L/1		19 August 2021
Block Plan	1190/B/1	B	19 August 2021
Proposed Drawing	2020/173		1 April 2022
Proposed Drawing	1190/SV/1		1 October 2021
Proposed Drawing	17740121		1 October 2021

2. Cycle storage should be provided in accordance with the details approved under BH2021/00240. The development hereby permitted shall not be first occupied until the approved cycle parking facilities have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

3. The development hereby approved shall not be occupied until a bee brick has been incorporated within an external wall of the development hereby approved. This shall be in accordance with details submitted to and approved in writing by the Local Planning Authority. Once installed, the bee brick shall be retained thereafter.
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.
4. The new dwelling hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
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.
5. Tree protection measures shall be provided throughout development until the works are completed, in accordance with the details approved under BH2021/00240.
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, CP12 of the Brighton & Hove City Plan Part One, Policy DM22 of Submission City Plan Part 2 and SPD06:Trees and Development Sites.
6. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on plan 1190/B/1 Rev. B received on the 19th August 2021, have been fully implemented and made available for use. These facilities shall thereafter be retained for their intended use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, Policy DM21 of the Submission City Plan Part 2, 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.
7. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
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.
8. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to enhance the ecology of the site. The

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

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

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

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.

9. All windows on the first floor, east facing elevation of the building facing No.2 Brackenbury Close (as visible in the elevation entitled 'side elevation' on plan numbered 2020/173, including those that may be inserted in the void area above the rear bay), shall be made of obscure glass. Details of the obscure glazing used, together with any opening mechanism incorporated into the design of the windows, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details. No part of the development hereby approved shall be first occupied until the windows are installed in accordance with the details approved under the terms of this condition. Once installed, the windows should be retained as approved for the lifetime of the development.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and DM20 and DM21 of Submission City Plan Part 2

10. The development hereby permitted shall not be occupied until the new crossover and vehicular and pedestrian access to the site, as shown on the approved plans, has been constructed in accordance with detailed drawings that shall be submitted to and approved in writing by the Local Planning Authority. These detailed plans must demonstrate that there is an appropriate level of visibility towards pedestrians entering and leaving the footpath on the eastern boundary of the site, when vehicles enter and leave the site. Once built, the access must be retained as approved for the lifetime of the development

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.

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

of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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. 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.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition 12 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings

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

2. SITE LOCATION

- 2.1. The application related to triangular-shaped plot of land west of 2 Brackenbury Close. Prior to the construction of the dwelling the plot was vacant. A footpath is located to the south and west (rear) of the site, and Henge Way bounds the site to the north. Beyond the footpath to the rear are open fields. The adjacent stretch of road beyond the junction with Brackenbury Close slopes downhill for a few metres, then ends abruptly.

3. RELEVANT HISTORY

- 3.1. **BH2021/01453:** Application for variation of condition 4 of application BH2019/01409 (Erection of two storey dwellinghouse (C3), with hardstanding and creation of vehicle crossover) (allowed on appeal) to permit changes to previously approved external materials. Approved 13/7/21
- 3.2. **BH2021/00240:** Application for Approval of Details Reserved by Conditions 3 (cycle parking), 4 (materials), and 7 (tree protection) of application BH2019/01409 (approved on appeal). Approved 15/3/21
- 3.3. **BH2019/01409:** Erection of two storey dwellinghouse (C3), with hardstanding and creation of vehicle crossover. Refused 26/11/19, allowed on appeal 11/9/20
- 3.4. **BH2018/01407:** Erection of 1no two bedroom dwelling house (C3) incorporating vehicle crossover. Refused 22/06/18
- 3.5. **BH2017/03810:** Erection of 1no. two bedroom dwelling house (C3) incorporating vehicle crossover. Refused 07/02/18

4. APPLICATION DESCRIPTION

- 4.1. As noted above, planning permission was granted at appeal, for the erection of a two-bedroom dwellinghouse incorporating vehicle crossover and associated alterations, along with planting, parking for a vehicle and cycle parking (planning application ref. BH2019/01409).
- 4.2. The dwelling approved is a chalet bungalow with living area on the ground floor and two bedrooms on the first floor, which comprise dormer windows. Works have commenced on site, with the building being substantially complete.

- 4.3. This application seeks to address the non-compliance of the development as built. Once the development was underway, concerns were raised by local residents that the development was not being constructed in accordance with the approved plans, with the height of the development being inconsistent with the approved drawings. The application being considered is based on revised drawings to show the development as it is being built on site, the differences between the as approved scheme and that now purposed are set out below.
- 4.4. As the development has already commenced and breaches the drawings condition on the approved application, procedurally a new permission must be sought, hence the description of development being that of the original permission.

5. REPRESENTATIONS

- 5.1. Comments were received from neighbours from the original consultation ending 25th October 2021.
- 5.2. **Eight (8)** letters have been received from neighbours before the 25th October 2021, objecting to the proposed development for the following reasons
- Loss of privacy/overlooking
 - Overdevelopment
 - Detrimental affect on property value
 - In appropriate height of development
 - Overbearing
 - Restriction of view
 - Overshadowing
 - Poor design
 - Noise
 - Inaccurate plans
 - No detail of hard or soft landscaping
 - Lack of compliance with condition to have obscure glazing on east facing elevation.
- 5.3. Following discussion with the applicant, it was agreed that a new description was required to accurately reflect the proposal, and that following this change it would be necessary to reconsult neighbours. The second period of consultation concluded on the 23rd March 2022. As a result of the second consultation, **seven (7)** letters have been received from neighbours, objecting to the plans for the following reasons:
- Overdevelopment
 - Not being built according to approved plans and details.
 - Lack of obscured glazing
 - Impact of building works on area
 - Works conducted outside of application area.
 - Removal of bee brick condition
 - Poor design
 - Inappropriate height

- Noise
- Overshadowing
- Restriction of view
- Too close to boundary

5.4. The objections received in response to the re-consultation of the application were received from the same local residents who objected to the application originally.

5.5. Issues regarding loss of a view and detrimental effects on property values are not material planning considerations.

6. CONSULTATIONS

6.1. **Environmental Health:**
No Comment received

6.2. **Arboriculture:**
No Comment received

6.3. **Sustainable Transport:**
No comment (Verbal comments 20/10/21)
Comments made for application BH2019/01409 relating to the impact of the overall development remain valid. No additional comments are required for the current application as the issues raised here do not have transport implications.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

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

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

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

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, particularly revised land levels on the plans submitted, and the alterations to the appearance to accommodate the differing topography from that shown in the approved plans.

Principle of Development:

- 9.2. Planning application BH2019/01409 for the erection of a two storey building on this site was refused under delegated powers on the 26th November 2019. The application was refused due to the impact that the development would have on the street scene, and the visual harm that it would cause, and was considered to be contrary to policy CP12 of the Brighton & Hove City Plan. The decision to refuse was subject to an appeal, with the application approved in a decision dated 11th September 2020. The Inspector's decision stated that the use of the site for a dwelling would be in character with the area, and the scale and design of the property would not be overly dominant in its setting, nor harmful to the character of the area. The Inspector also stated that the siting within the plot would result in no amenity impacts on outlook for neighbouring properties, and that other potential sources of amenity harm would not be a reason to refuse, subject to a condition for obscure glazing on first floor east facing windows. Another condition requiring a pre-commencement tree protection survey was attached by the Inspector.
- 9.3. In light of the above appeal decision, the principle of development on the formally vacant site is established however as the property is being built different to the approved scheme the impacts on the associated street scene and character of the area, and the impact on the amenity of neighbours must be re-considered, in addition to consideration of any material changes since the earlier decision was made.
- 9.4. In terms of changes to planning policy since the earlier scheme was allowed at appeal, Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.5. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.6. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 9.7. It is important to note that since approval of the earlier application on appeal there has been a change of weighting with regards to the policies applied to the determination of the application. Brighton and Hove City Plan Part Two (CPP2) has now proceeded to post hearing stage. Following submission in May 2021, City Plan Part Two is currently under examination by a government appointed planning Inspector, Ms R Barrett, MRTPI IHBC. Public hearing sessions were held online in November 2021. Following the hearing sessions, the Inspector issued her post hearing action points in December 2021 and has asked the council to prepare and consult on main modifications which, subject to approval at committee will start in late March.
- 9.8. As a result, CPP2 Policy DM1 (housing quality, choice and mix) can now be given significant weight; Policy DM20 (amenity) is given more weight than the equivalent in the Brighton & Hove Local Plan, as can Policy DM21 (extensions and alterations). Policy DM33 (travel), DM35 (Travel Plans), and DM40 (pollution/nuisance) are all given significant weight.
- 9.9. Taking into account these revisions to the planning policy considerations, the principle of development of a new dwelling in this site remains acceptable and established.

Design and Appearance:

- 9.10. The Inspector's decision for the appeal against refusal under BH2019/01409 confirmed that the scale and materials proposed in the new dwelling were acceptable. Subsequent to the development being allowed by the appeal, the applicant sought approval for a variation to materials under application number BH2021/01453, which was approved by the Planning Committee on the 13th July 2021. The approved S73 application changed the roof tiles from plain concrete dark red tiles to smooth grey and stained timber framed windows/doors to anthracite grey uPVC windows and doors.
- 9.11. Specifically addressing the impact of the proposed development on the streetscene, the Inspector stated that:
"The new building would read as the continuation of the row of buildings facing Brackenbury Close, as it turns the corner in to Henge Way. It would appear as a small chalet bungalow; a common house type that would not detract from this suburban environment. The dormer windows would be proportionate to the size of the building and the remainder of its roof. The limited overall size of the building and its set back from the road mean that it would not be an unduly dominant structure in relation to any existing development".
- 9.12. Since the appeal was determined it has become apparent that the plans approved by the Inspector did not accurately reflect the land levels on site. No conditions were attached to verify height levels on the site prior to development commencing. Once the building works were underway, local residents raised concerns that the development was not proceeding according to the approved plans, which resulted in the site being visited by a Planning Enforcement Officer. At the time of the first visit, it was not possible to assess that any breach had taken place as the development hadn't commenced to a point that this could be established.

- 9.13. When the development had proceeded further, a subsequent enforcement visit was carried out and identified that the certain aspects of the development were not in compliance with the approved plans, as a result of the topography of the site being inconsistent with the plans. This resulted in parts of the development requiring additional depth to support the level ground floor in addition to the proposed decked area requiring a platform below with stepped access to the lower garden level.
- 9.14. In light of this, the present application has been submitted, to address the irregularities.
- 9.15. The elements of the current application that differ from the approved scheme will be considered below. There are no changes to the footprint of the building or the proximity and relationship to neighbouring properties.
- 9.16. The approved plans showed the development taking place on level ground. However, the actual site has a slope that drops from the east to the west. This results in certain elevations appearing different from the approved scheme, to take into account the greater land fall on the west.
- 9.17. In terms of land levels, the crucial consideration is the height relative to neighbouring buildings as this may result in greater impact than anticipated. To address this, the applicant has provided a streetscene drawing for the approved scheme which gave a reference for the height of the development relative to an adjacent building. The plans for the current application have restated that the overall height relative to the adjacent building would be the same. The additional height apparent on the western part of the building results from the development extending further down, below the ground level shown on the approved plans, resulting in the western elevation being 7.6m in height compared to the 6.7m of the approved scheme.
- 9.18. The greatest difference in apparent height relates to the western part of the development, which is adjacent to open ground and would not be directly or fully visible from any neighbouring dwellings. Consequently, the impact of the additional height on the western elevation of the development proposed is not considered to cause harm to the appearance of the property or impact on neighbouring buildings.
- 9.19. The drop in land levels has required amendments to the design of the property to allow for the transitions between the different levels across the site. Principal amongst these would be the raised terrace proposed for the rear elevation, which wraps around the angle back room of the property, with steps leading down from the central rearmost section to the garden. The width of this would be 1.1m from the rear of the main house. While this appears to slightly increase the massing of development at ground floor level in comparison with the approved scheme, it is in the context of the ground levels on site being lower than approved. It is considered that the proposed terrace would not be harmful to the appearance of the dwelling.

- 9.20. Other minor alterations are proposed compared to the approved scheme. A window on the first floor western elevation dormer is reduced in size, and an alternative design of canopy is proposed over the front door and slight changes to the fenestration in the rear elevation of the dwelling. Overall these alterations do not significantly impact on the appearance of the property.
- 9.21. It is considered that the proposed design and appearance of the property would be acceptable and that the amendments to the proposal in contrast to the approved scheme would not result in additional harm to the character of the area.
- Impact on Amenity:
- 9.22. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which now carries more weight than QD27) 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
- 9.23. In the appeal decision, the Inspector stated that:
"The building would be set a reasonable distance in from the boundary of the plot on each side. It would not result in any unacceptable overbearing effect, overshadowing, loss of light or overlooking. The separation distances to neighbouring properties are sufficient to avoid any significant loss of outlook.
- 9.24. The proposed changes to the dwelling set out in this application include the addition of raised decking at the rear of the property. With a platform below and steps down to the garden land height. While raised decking frequently allows for increased overlooking, in this case the raised nature of the proposed decking results from the decrease in land levels. The approved plans included an area at the same height as this proposed decking, but over a larger area due to the incorrect representation of the land levels. The proposal set out in this application - while now appearing as 'raised' due to having a platform area below - would be no higher than the approved scheme, and would in fact be of a smaller area. The width of this would be 1.1m from the rear of the main house. While the length and width of the proposed terrace amounts to a significant area, in terms of the impact on overlooking, compared to the approved plans, the proposed arrangement would not result in additional harm. In addition, the rear elevation of the dwelling is designed with full width and full height glazing. Consequently, it is not considered that there would be any significant overlooking towards neighbouring properties as a result of the raised terrace.
- 9.25. Similarly, noise arising from the use of the raised decking would not be greater than might have arisen from the approved development.
- 9.26. The proposed maximum height of the dwelling relative to neighbouring properties remains unaltered from the approved scheme, as does the footprint of the dwelling within the site, so no new impacts on the amenity of neighbours as a result of overshadowing or due to an overbearing structure would arise.

- 9.27. In light of the considerations above, and taking into account the impacts of the development approved by the Inspector for the Appeal, it is considered that no adverse impacts on amenity sufficient to warrant refusal would arise from the proposed amended scheme.
- 9.28. Whilst application BH2019/01409 was refused the reason for refusal was not with regards to standard of accommodation. The earlier application report acknowledged that the proposed 2nd bedroom was of a slightly smaller size than normally required, but it was not considered that it was of such a small size to warrant refusal and the Inspector did not raise this as an issue in their decision. Whilst it is noted that the current application shows a slight reduction in size of this bedroom to accommodate the stairwell, the layout of the 2nd bedroom is still considered acceptable, and refusal is not warranted on the alteration to this bedroom.
- 9.29. The Inspector applied a condition on the appeal that required obscure glazing to all first floor windows on the eastern elevation, including those on the rear bay feature. Residents have raised concerns that the windows that have already been installed in these positions have not been completed according to the requirement of the condition. The condition attached by the Inspector remains valid and the development should not be occupied until such time as recommended condition 10 has been complied with. Should the current application be approved the Council's planning enforcement team can ensure that the development is completed in accordance with the approved plans.

Sustainable Transport:

- 9.30. No new specific transport considerations arise from the issues in this application, and conditions applied by the Inspector in the appeal decision for BH2019/01409 will be reapplied where relevant.

Sustainability:

- 9.31. Policy CP8 of the Brighton & Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These standards will be secured by condition.

Biodiversity:

- 9.32. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.33. The position regarding the ecological merits of the site set out in the officer report for BH2019/01409 are noted - that the area previously had dense vegetation, and that the loss of this, while acknowledging that there are no specific ecological features of note, would result in a loss of ecological value. Consequently, the Inspector attached a condition to the appeal decision that a

landscaping scheme should be agreed prior to occupation, to include measures to enhance the site's ecological value. This condition remains valid and will be retained.

Conclusion:

- 9.34. Overall, taking into account the views of the Planning Inspector with regards to application BH2019/01409, views which are material considerations in the assessment of this application, it is considered that the dwelling, as built, does not have an adverse impact upon the visual amenities of the site, Henge Way or the wider area and would not have a detrimental impact upon the amenities of neighbouring properties.

10. EQUALITIES

- 10.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Conditions will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. As a S.73a retrospective application, the estimated CIL liability is **£6128.08**. In such cases the CIL regulations state that “*..Development for which planning permission is..granted under section 73A of TCPA (planning permission for development already carried out); is to be treated as commencing on the day planning permission for that development is granted..”.* BHCC (as CIL collecting authority) have determined that this is a “*deemed commencement for a chargeable_development*”..... As such the CIL Regulations go on to state that “*..the amount of CIL payable in respect of that chargeable development is due in full_on the deemed commencement date...*”.

12. CLIMATE CHANGE/BIODIVERSITY

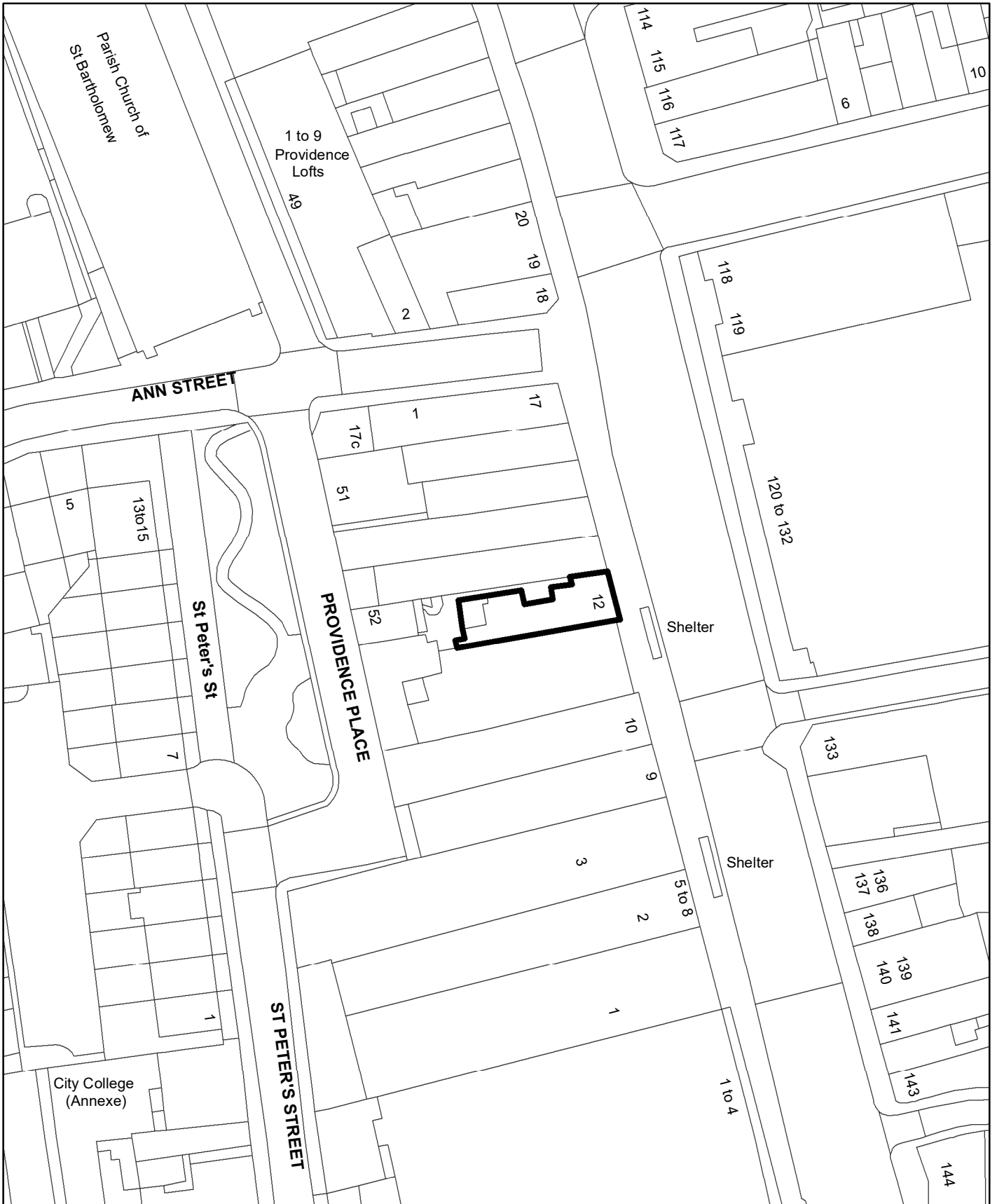
- 12.1. The new dwelling within an area of existing residential properties would not require additional infrastructure to support it. The inclusion of a bee brick and a condition for landscaping to include features of ecological value to compensate for the loss of the dense vegetation that was formerly found on the site would result in a new gain for biodiversity in the city.

ITEM E

**12 London Road
BH2022/00749
Full Planning**

DATE OF COMMITTEE: 4th May 2022

BH2022 00749 - 12 London Road



N



Scale: 1:730

<u>No:</u>	BH2022/00749	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	12 London Road Brighton BN1 4JA		
<u>Proposal:</u>	Removal of existing shop awning and installation of electric roller shutter to shopfront.		
<u>Officer:</u>	Steven Dover,	<u>Valid Date:</u>	15.02.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12.04.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	12.05.2022
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Cowley Club Ltd. 12 London Road Brighton BN1 4JA		

1. RECOMMENDATION

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

1. The installation of the roller shutter would harm the appearance of the building by reason of its height, scale and solid nature creating an unattractive and dead appearance. The shutter would obscure the shop front and window display when down, creating an unsightly, passive appearance to the frontage harming the visual amenity of the building and surrounding area and the vitality of the wider shopping street. Furthermore the shutter housing would be poorly located and would fail to respect the architectural features of the shopfront resulting in an unsightly feature even when the roller shutter is retracted. The development is contrary to CP12 of the Brighton and Hove City Plan Part One, QD5, QD8 and QD10 of the Brighton and Hove Local Plan and Supplementary Planning Document SPD02 on Shopfronts

Informatives:

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

2. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan			15 February 2022
Proposed Drawing	B1b		7 March 2022
Proposed Drawing	B4		7 March 2022

2. SITE LOCATION

- 2.1. The application relates to a mid-terrace three storey property on the east of London Road. The property is commercial on the ground floor (and basement) and appears to have residential uses on the first and second floor.
- 2.2. It forms part of a parade of shopfronts, with a variety of uses including retail, cafes and restaurants in this section of London Road. The site is currently in use as The Cowley Club, which is mixed retail, café and social/community space.

3. RELEVANT HISTORY

- 3.1. **BH2021/03628** - Installation of electric roller shutter to shopfront, with metal grillwork above shutter canopy. Refused for the following reason:
The installation of the roller shutter would harm the appearance of the property by reason of its solid nature creating an unattractive and dead appearance. The shutter would obscure the shop front and window display when down, attracting graffiti and creating an unsightly, passive appearance to the frontage which would harm visual amenity of the building and surrounding area and the vitality of the wider shopping street. Furthermore, the shutter housing would be poorly located by not respecting the architectural features of the site meaning the installation would be unsightly even when the roller shutter is retracted. The development is contrary to CP12 of the Brighton and Hove City Plan Part One, QD5, QD8 and QD10 of the Brighton and Hove Local Plan and Supplementary Planning Document SPD02 on Shopfronts.
- 3.2. **BH2001/02816/FP** - Change of use from retail (use class A1) to retail, cafe and private members club to front and ancillary office and meeting space to rear (use class A1, A3 and sui generis), residential above to remain - approved 9.1.2002
- 3.3. 45 London Road:
BH2019/02692 - Installation of new shopfront, with 1no external punch hole shutter and 2no internal punch hole shutters and associated refurbishments. Approved
- 3.4. **BH2018/03733** – Installation of new shopfront, roller shutter & refurbishment works. Refused and dismissed on Appeal.

4. APPLICATION DESCRIPTION

- 4.1. The application is for a full width, solid roller shutter. The proposal would be 5.3 metres in height and 8.3 metres in width.
- 4.2. The current application is a resubmission of a similar proposal which was refused last year on design grounds. The current application increases the size of the roller shutter from that previously refused by extending the full height of the shopfront, covering the current high level grills. The proposed shutter

remains full width, solid panelled with external motor mechanisms, and covers the whole of the shopfront parallel to the pavement, thus obscuring the shop completely as per the previously refused application. Therefore no alterations to make the proposal more acceptable are proposed, and the overall size of the roller shutter has increased.

- 4.3. The planning statement shows examples of shutters in the vicinity of the site, however, there are no applications granting these. Moreover, some of the examples shown, are for butchers and greengrocers that don't have a front wall and therefore accord with the guidance contained in the SPD.

5. REPRESENTATIONS

- 5.1. **Twenty Three (23)** representations have been received from members of the public supporting the application for the following reasons:
- Improved security
 - Ease of use – which would allow more people to volunteer
 - Better access
 - Appearance
 - Permitting art on the front of the shutters

6. CONSULTATIONS

None

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban Design

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

QD14	Extensions and Alterations
QD27	Protection of Amenity
QD5	Design - street frontages
QD8	Shop shutters
QD10	Shopfronts

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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM20	Protection of Amenity
DM21	Extensions and alterations
DM18	High quality design and places
DM23	Shop Fronts

Supplementary Planning Documents

SPD02	Shop Fronts
SPD11	Nature Conservation and Development

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The key considerations for this application relate to the design and appearance of the proposed development on the existing building and the wider street scene. In addition, the impact to vitality of the shopping area is a consideration, and crime prevention.
- 9.2. Planning permission is sought for an external roller shutter to the front elevation. A tube motor electric operation galvanised roller shutter is proposed to be mounted across the width of the shop front, externally at the level of and replacing the existing awning housing.
- 9.3. The existing shop front has some character and architectural merit. The timber detailing, deep fascia and lettering with an off-centre recessed entrance door gives the property a more historic feel compared with other shopfronts in this section of London Road. The property is not within a conservation area but

adopted policies seek to ensure shop front alterations, including those made for security reasons, relate well to the property and contribute positively to the streetscene.

- 9.4. The application includes a Planning Statement which seeks to justify the roller shutter being proposed. It is noted that there are some specific challenges in relation to homelessness and anti-social behaviour in this part of London Road. Whilst the inset door is a positive element to the street scene from an aesthetic viewpoint, it does present a specific location for anti-social behaviour which impacts on those using the site. Therefore, it appears rational to seek to improve the current situation.
- 9.5. Nevertheless, planning policy in relation to roller shutters is clear and they are not generally supported. Roller shutters obscure the shop front and window display when down, creating an unattractive, 'dead' appearance to the frontage which harms the vitality of shopping streets. They also attract graffiti, and the box housings often protrude unattractively in front of the shop front. It is noted there are roller shutters in the locality, as evidenced by the applicants planning statement, although it does not appear that there is planning permission for the majority of these installed. The existing roller shutters in the vicinity serve to show how unattractive these features can be on the streetscene. Where planning permission has been granted it has been for more limited proposals (i.e. entrance only such as the former Santander bank) on less architecturally interesting shopfronts. A number of the shutters shown relate to open shopfronts, such as the greengrocers and the butchers. In such instances a solid shutter is permitted since there is no alternative to secure the premises.
- 9.6. SPD02 on shop fronts specifically recognises the issues with these types of shutters and advises that they would not be acceptable except in:
- *“Isolated locations or in special circumstances where evidence, supported by the Police, has shown that security poses a special problem and all other appropriate security measures as advised by the Police have already been taken;*
 - *Where the shopfront is of an open type with no window, such as traditional ‘fishmongers, butchers and greengrocers, and where no alternative solution would be possible; or*
 - *Where there is no acknowledged need to retain a visible display outside opening hours, such as with Kings Road Arches on Brighton seafront.*
 - *In all cases the box housing must be concealed behind the fascia or set back beneath it and the shutter and all associated components must be painted or colour finished to match the shop front or bronze anodised.”*
- 9.7. The thrust of these exceptions in SPD02 are also reconfirmed in emerging policy DM23 Shopfronts in the City Plan Part 2 which now carries more weight than policies QD8 & QD10 which it replaces.
- 9.8. In regard to this specific application, there is not considered to be any justification that the scheme is an exception to SPD02 or policy DM23. An active frontage should be maintained and although a security/crime issue has been alluded to,

it is not evident that the proposal is the only feasible way of improving the security of the site.

- 9.9. The applicant has failed to demonstrate in their submission why there should be an exception to policy which would permit the proposed roller shutter. As submitted, the proposed roller shutter would obscure the shop front and window display when down, attracting graffiti and creating an unattractive, passive appearance to the frontage which harms the vitality of shopping streets, such as this one, which is one of the main thoroughfares in Brighton down to the seafront. There is a clear conflict with local policies which seek to prevent harm to the street scene.
- 9.10. Solid panel shutters in the London Road location have been previously refused and dismissed on appeal (ref. BH2018/03733 at 45 London Road), with the Appeal Inspector stating the following:
“Such shutters deaden shopfronts and prevent them from contributing to the streetscene. As a result, policy QD8 only supports solid shutters in certain circumstances. Given that London Road is a busy road where shopfronts contribute to the streetscene and No 45 has an enclosed shopfront such circumstances do not exist here.”
- 9.11. While relating to a different site, this emphasises the contribution shopfronts make to the London Road streetscene, and that the special circumstances allowing shutters do not apply in this locality.
- 9.12. The visual harm of shutter would be exacerbated by the relationship between the shutter housing and physical features of the existing shopfront. The shop front has two windows facing the street with the door inset. The two front facing windows are not on same plane. The southern window runs parallel against the back of the pavement whilst the window to the north angles inward towards the door. The proposed shutter would be a single unit running the width of the site. The design of the shopfront would be lost behind the shutter which would completely dominate the entire shopfront. When the shutter is retracted, the shutter housing would still be visible and given that it would not respond to the form of the shopfront, the shutter housing would appear particularly clunky and unattractive in this instance.
- 9.13. The overall height of the proposed shutter would be 5.3 metres and the width 8.3 metres, which has increased the size of the shutter from that previously refused in BH2021/03628, due to the removal of the mesh at the top and replacement with full roller shutter. The harm to the host property and streetscene is therefore increased over and above the previous refusal.
- 9.14. It is noted that following the previously refused scheme the applicant was offered the option of seeking pre-application advice from the Local Planning Authority to see if a mutually acceptable compromise could be found. Furthermore, the applicant has also been given the opportunity to address the concerns that have been raised during both the applications. Up until the present time the applicant has chosen not to access these services or engage in any dialogue for amendments with the Local Planning Authority. The current scheme fails to

address the previous reason for refusal and actually increases the size of the proposed roller shutter from that previously refused.

Conclusion

- 9.15. Overall, the installation of the roller shutter would harm the appearance of the property by completely dominating the frontage of the site. The shutter housing would be unattractive and poorly located and would fail to respect the existing architectural features of the shopfront. The shutter would obscure the shop front and window display when down, creating an unsightly, passive appearance to the frontage harming the visual amenity of the area and the vitality of the shopping street. The development is contrary to policy CP12 of the Brighton and Hove City Plan Part One, QD5, QD8 and QD10 of the Brighton and Hove Local Plan and emerging policy DM23 (which carries more weight than QD8 and QD10 which it replaces) of Brighton and Hove City Plan Part 2 and Supplementary Planning Document SPD02 on Shopfronts.

10. EQUALITIES

- 10.1. The applicant has identified the some volunteers are not able to put up and take down the existing wooden shutters that are used at the site. Whilst the benefits are noted, this is does not outweigh the harm identified.

11. CLIMATE CHANGE/BIODIVERSITY

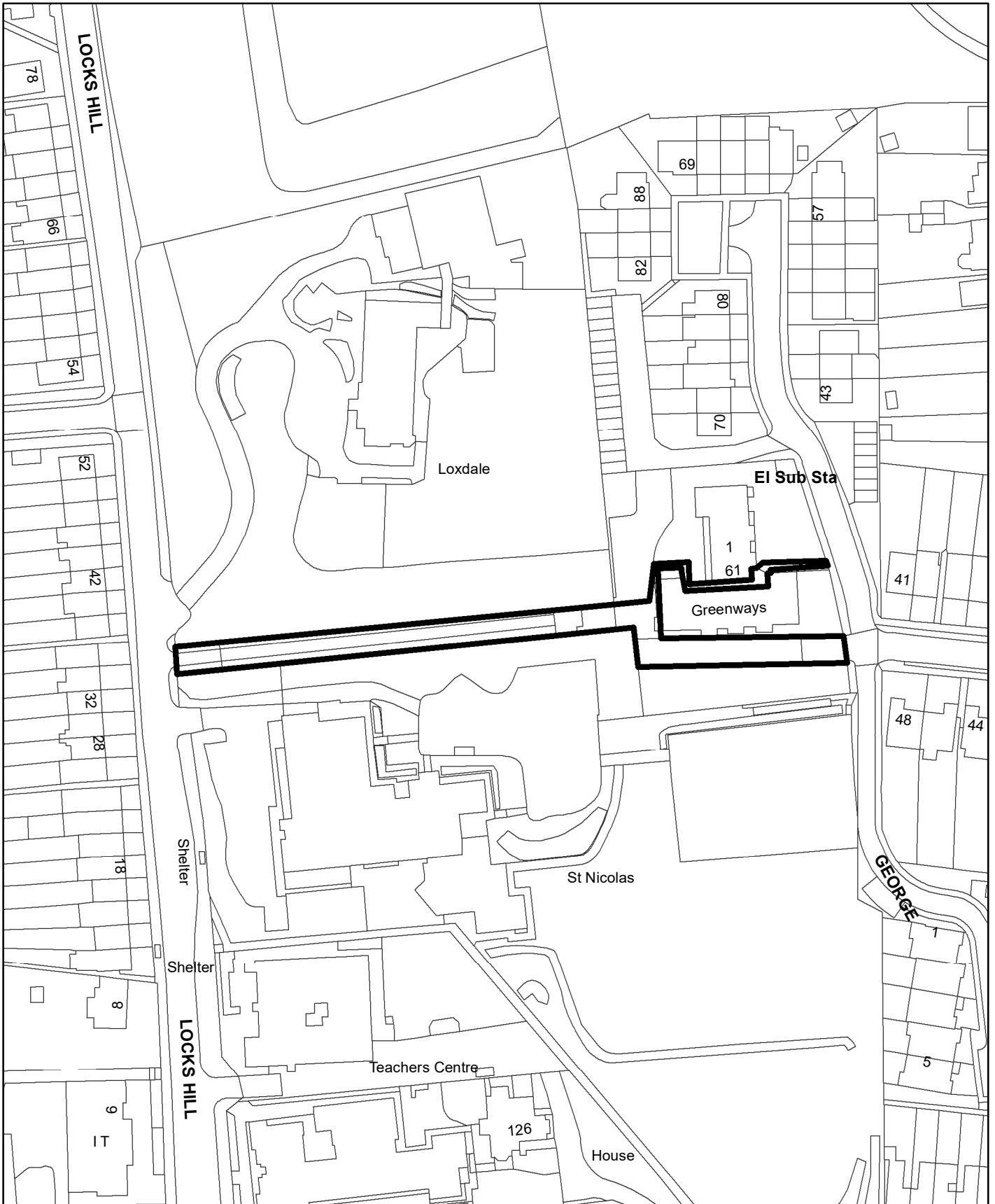
- 11.1. The application proposes minor works to the shop front. No conflict with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development has been identified and given the scope of the application, it is not considered that there are many options to improve ecology outcomes for the site.

ITEM F

**Land to the North of
St Nicholas CE Primary School
BH2021/02844
Full Planning**

DATE OF COMMITTEE: 4th May 2022

BH2021 02844 - Land To The North Of St Nicolas Ce Primary School



N



Scale: 1:1,250

<u>No:</u>	BH2021/02844	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to the North of St Nicholas CE Primary School Locks Hill Portslade BN41 2LA		
<u>Proposal:</u>	Erection of 6no. two storey, one bed homes (C3) with residential gardens and cycle parking. (Amended drawings and description)		
<u>Officer:</u>	Emily Stanbridge, tel: 293311	<u>Valid Date:</u>	19.08.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.10.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	13.04.2022
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Timothy Jennings C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **27th July 2022** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12.1 of this report.

Section 106 Head of Terms:

Affordable housing:

- An in-lieu affordable housing financial contribution of £113,000

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	001		24 January 2022
Proposed Drawing	500		24 January 2022
Proposed Drawing	103-01 C		1 April 2022
Proposed Drawing	100-01		1 April 2022
Proposed Drawing	101-01		1 April 2022

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

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

3. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

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

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

5. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement by David Archer Associates received on the 2nd August 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 / CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

6. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal, Urban Edge Environmental Consulting, December 2020, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural

Communities Act 2006, and Policy CP10 of the Brighton & Hove City Plan Part One.

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

- a. details of all hard and soft surfacing to include 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;

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

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

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

The CEMP shall at least include:

- a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, on and off-site construction related parking (including by operatives), site traffic and deliveries to and from the site
- c) details of hours of construction including all associated vehicular movements
- d) a plan showing permitted public highway construction traffic-routes
- e) details of any site entrances and their management, construction compound and offices
- f) details of any oversailing of the highway, construction, falsework, formwork and scaffolding
- g) details of the use of any cranes, lifts, escalators and lifting vehicles
- h) details of any Department for Transport Abnormal Load Notification and/or Order
- i) details of how communications will be managed with the Emergency Services, Public Transport Operators and Statutory Undertakers.

The construction shall be carried out in accordance with the approved CEMP. The applicant must contact the Highway Authority by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and prior to any

works commencing on-site and on the adopted (public) highway. An assigned officer telephone number will be supplied in the e-mail response to provide a point of contact regarding the CEMP.

Reason: In the interests of amenity and road safety and to comply with policies TR7, SU3, SU5, SU8, SU9, SU10, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP1, CP7, CP8, CP9, CP11, CP12 and CP15 of the City Plan Part One.

9. Prior to the commencement of the development notwithstanding the plans hereby approved a plan detailing the positions, height, design, materials, type and construction method of all proposed boundary treatments including those to the Locks Hill frontage have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: In the interests of highway safety and to enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies TR7, TR14, QD15, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and 1980 Highways Act.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, SPD 14 Parking Standards and CP9 of the City Plan Part One.

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

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

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

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

12. Prior to first occupation, the missing pier cap on the south side of the Locks Hill entrance shall be accurately replicated.

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

13. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

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

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

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

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

16. A bee brick shall be incorporated within the external wall of each of the dwellings 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.

17. Eighteen (18) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above

windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

4. The applicant is advised to contact the Council's 'S278 team' initially by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and obtain all necessary highway approval including design, materials and construction method from the Highway Authority prior to any works commencing on and adjacent to the adopted (public) highway to satisfy the law and requirements of Condition 9.
5. 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).

2. SITE LOCATION

- 2.1. The application site relates to a narrow piece of land between Locks Hill and Greenways, a block of flats off Highlands Road. The land is situated between the Loxdale Centre to the north and St Nicholas C of E Junior School to the south. Both of these buildings are set well away from the boundary of the site in question. The site is located adjacent to the Portslade Conservation area.
- 2.2. The application site is shrouded in trees and bushes both within the site and along the boundaries with the two educational sites to the north and south. There is a single-storey garage at the eastern end of the site which allows access to this narrow piece of land from Greenways. The garage can only be accessed from Highlands Road over land within the Greenways site. The site slopes upwards from west to east.
- 2.3. The site is currently bounded by timber fencing to the north and south boundaries. To the west, there are high timber gates adjacent to a high brick wall which fronts Locks Hill. The west side of Locks Hill is comprised of two-storey terraced housing. Greenways is a 6-storey modern block of flats with underground parking sited to the east of the proposal.

3. RELEVANT HISTORY

- 3.1. PRE2019/00145: Development of the site to provide 7 x 1 bed (two person) two-storey dwellings. Written response provided August 2019.
- 3.2. BH2016/05435: Application for variation of condition 17 of application BH2013/00284 (Erection of 2no detached two storey dwellings with associated parking and landscaping.) to allow the development to commence to slab level. Approved November 2016.

- 3.3. BH2013/00284: Erection of 2no detached two storey dwellings with associated parking and landscaping. Approved November 2013.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of six, two storey, 1no. bedroom properties. Access into the site is proposed from both Locks Hill and Highlands Road though no on site parking is proposed. Cycle parking and refuse provisions are proposed to the Locks Hill entrance.
- 4.2. As originally submitted, the scheme proposed 7 units. This was reduced to 6 during the course of the application to address concerns.

5. REPRESENTATIONS

- 5.1. **Fifteen (15)** letters of representation have been received objecting to the scheme for the following reasons:
- Overdevelopment
 - Height of the properties
 - Loss of trees
 - Access to the site is through Greenways
 - Noise pollution
 - Additional traffic
 - Lack of parking
 - Vehicular access to the site from Highlands Road is unacceptable
 - Disruption through construction
 - Light pollution
 - No rights of access through Greenways
 - The properties would not meet disabled access regulations
 - Properties are too close to Greenways
 - Servicing and refuse
 - Overlooking
 - Noise and smell emissions from the new dwellings
 - Emergency vehicle access
- 5.2. **One (1)** letter of representation has been received in support of the development for the following reasons:
- Efficient use of the site
 - Good design and use of materials
 - Hidden from view and will not impact the conservation area
 - Good accommodation is to be provided
 - Encourages sustainable transport
- 5.3. **Councillor Hamilton** objects to the proposed development. Please see comments attached.

6. CONSULTATIONS

6.1. **Arboriculture** No objection subject to condition

6.2. **Conservation Advisory Group Objection**

- Lack of detail provided.
- Impact on nearby locally listed assets.
- In agreement with all comments made by the Heritage Team, which seek amendments.

6.3. **Ecology No objection subject to condition**

6.4. **Heritage No objection subject to conditions**

Original comment:

The site levels of this plot rise significantly from West to East. The proposal would reduce the change in levels by raising the ground level at the western end with a deck, which from Locks Hill would be entirely above the level of the existing boundary wall. As a result the proposed two storey westernmost house would have an impact on the street scene similar to a 3 storey house and there is concern that the scale of this house would appear dominant from the south, not only in relation to the undeveloped character of the east side of Locks Hill beyond, but also relative to the lower level houses lining the west side of the road. The heritage team considers that if the height cannot be reduced a greater set-back is required, and due to the constraints of the site would encourage the removal of this westernmost house from the scheme.

6.5. Comparison of the approved and proposed schemes shows the westernmost house as approved to be significantly lower than that currently proposed and slightly further back in the site, thereby potentially having significantly lower impact on the street scene and the setting of the conservation area.

6.6. Deeper within the site the houses rise further, however the increased distance from the road and screening from retained trees is likely to result in a lesser impact on the street scene.

6.7. As described above, the existing boundary treatment to the Locks Hill frontage is characterful and it has a strong relationship with the boundary wall to Loxdale, and as a result the removal or alteration of this structure would be resisted. The proposed plan shows a gated entrance (unclear whether the wall is to be retained or re-built), however the rendered images show a new plain brick wall against pavement and an additional new tall brick retaining wall and stairs within the site, clearly visible from the road. The application indicates this space would be covered with hard surfacing. It is considered that these elements of the scheme would have an unsatisfactory impact on the public realm and are not supported by the heritage team.

6.8. As proposed the external finishes are stated as slate/clay roof tiles, shiplap boarding elevations and timber windows. The use of slate roofing and shiplap boarding would not make reference to the local context and the heritage team would encourage clay roof tiles and red brick facades.

Comment 14 February 2022:

- 6.9. The layout of this scheme has been revised and the westernmost unit has been omitted such that the buildings will be set significantly deeper into the site and their impact on the street scene and the setting of the Portslade Village Conservation Area will be reduced. This change is in line with the heritage team's comments on the original proposal and the site layout is considered acceptable.
- 6.10. Amendments have also been made to the entranceway and it would appear that the existing wall is to be retained and timber gates added. Confirmation is required that the historic fabric is to be retained and repaired (rather than more extensive re-building), and that the missing pier cap on the south side of the entrance will be accurately replicated - this should be secured by condition.
- 6.11. The proposed materials have not been altered and the heritage team remains of the view that as proposed the development will not reflect the local context.

Comment 10 March 2022:

- 6.12. It is noted that the materials proposed have been amended and the heritage team confirms that the use of brick slips is acceptable (subject to further details which can be conditioned).
- 6.13. The proposed roofing is less specific with slate/clay/recycled plastic roof tile stated. It is considered that slate and recycled plastic would not be appropriate, however a condition securing this would be acceptable if appropriate.
- 6.14. **Sustainable transport** No objection subject to clarification and conditions
- 6.15. **Southern Water** No objection subject to condition
- 6.16. **Urban Design Officer** Recommendations made to the design of the dwellings

7. MATERIAL CONSIDERATIONS

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

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

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP14 Housing density

CP16 Open space

CP19 Housing mix

SA4 Urban Fringe

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

TR7 Safe Development

TR14 Cycle access and parking

QD15 Landscape design

QD16 Trees and hedgerows

QD18 Species protection

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

Brighton & Hove City Plan Part 2:

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM19 Maximising Development Potential

DM20 Protection of Amenity

DM22 Landscape Design and Trees

DM26 Conservation Areas

DM33 Safe, Sustainable and Active Travel

DM36 Parking and Servicing

DM37 Green Infrastructure and Nature Conservation

DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:
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 development, the visual impact of the development on the character and appearance of the wider area, the standard of accommodation provided and any potential impact on the amenities of neighbouring properties, in addition to transport and sustainability issues.
- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of development

- 9.5. The principle of residential development on this site was established under application BH2013/00284. This application sought planning permission for two residential units. This permission was subsequently varied in 2016 to allow the development to commence to slab level. All other pre-commencement conditions in relation to this 2013 were discharged. Commencement of this development took place in November 2016. This permission therefore remains extant.

Design and Appearance

- 9.6. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.

- 9.7. Policies in Brighton and Hove City Plan Part One encourages the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 9.8. The site abuts the southern boundary of the Portslade Village Conservation Area. The overriding character of the existing site within the streetscape, from Locks Hill, is of a high boundary wall with vegetation above, creating a strong sense of privacy from the public realm.
- 9.9. The Conservation Officer has commented that the character of this area is one of high walls and dense vegetation which creates a clear division between public and private space. The existing boundary wall treatment to the Locks Hill frontage is characterful and it has a strong relationship with the boundary wall to Loxdale (independent language school to the north of the site), and as a result the removal or alteration of this structure would be resisted. Amendments have been received to retain the existing wall and a proposal to install timber gates. As requested by the heritage team, the existing historic fabric is to be repaired and retained, with the missing pier cap on the south side of the entrance replicated. The majority of trees within the site are proposed to be retained and therefore the appearance of the scheme from the public realm of Locks Hill is therefore considered appropriate and acceptable.
- 9.10. Owing to the number of trees within the site, a bespoke approach to the construction of the dwellings is proposed. The proposals will utilise concrete piers, to create secure footings for the development reducing the ground works required. This form of construction method will create a decking level across the site that is fixed to the concrete footings, avoiding the root protection areas of trees within the site. As well as the houses being situated on a new decking level on the concrete stilts, the private amenity spaces to each dwelling along with the pedestrian walkway will also sit on this decking level in the same way. This construction method will allow for the long term retention of the mature trees on site ensuring that the character of the site is retained.
- 9.11. Initially the current scheme proposed 7 units however the heritage team raised concerns over the western most house given that its impact on the Locks Hill streetscene would be similar to that of a 3-storey house, appearing dominant. In order to overcome this, amendments were received during the lifetime of this application to reduce the number of units proposed to 6, removing the western most house, achieving a set back of approximately 17m to the Locks Hill streetscene. As a result of this, the buildings proposed will be set significantly deeper into the site and their impact on the streetscene and the setting of the Portslade conservation area will be reduced. This change is in line with the heritage team's comments on the original proposal and the site layout is considered acceptable. Deeper within the site the houses rise further, however the increased distance from the road and screening from retained trees is likely to result in a lesser impact on the street scene. There is little cohesive architectural style within the area and therefore a modern design to the proposed houses is considered appropriate in terms of their impact on the character of the area.

- 9.12. Since the initial submission of this application, various amendments have been made to improve the external appearance of the buildings and to add visual interest to the elevations whilst maintaining appropriate privacy levels throughout the site following comments from the urban design and heritage officers.
- 9.13. Originally the application proposed slate roof tiles with shiplap boarding elevations which the heritage team advised would not reflect the local context of the area. At the heritage teams request, the dwellings will now comprise the use of red slip bricks. Whilst a less specific roof tile is stated on the plans, it is considered a clay tile would be most appropriate and a condition securing material samples is recommended.
- 9.14. Expressive brick detailing and material articulation has been introduced into the facades to break up the previously proposed large areas of flat façade. The angle of the roof pitch to the dwellings has also been amended resulting in improved proportions to the dwellings overall. The proportions of the fenestration, particularly to the southern elevation has also been amended to allow for larger openings to create a more balanced solid to void ratio. Panelling is also proposed adjacent to the narrow first floor window to balance these proportions. The amendments made to external appearance of the dwellings are considered to add visual interest to the buildings whilst maintaining a reference to the character and appearance of the wider area.
- 9.15. Accordingly, subject to conditions relating to the retention of the existing trees on site, the proposal is deemed appropriate in respect of its design and results in the effective use of this narrow piece of land for housing. The scheme is therefore considered acceptable and in accordance with the policies CP1 and CP12 of the Brighton and Hove City Plan Part One and policies DM1, DM18 and DM19 of the City Plan Part 2 which carry significant weight.

Standard of accommodation

- 9.16. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm and a double bedroom as measuring 11.5sqm.
- 9.17. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.18. Each of the six units consist of one-bedroom properties. At ground floor level the dwellings comprise a W/C and an open plan kitchen/dining/living room. At first floor level there is a bathroom and double bedroom. Each unit would provide approximately 66sqm of internal living space. This would exceed the minimum

floor space requirements within the NDSS which states that a two storey, one bedroom property should have a minimum floor area of 58sqm.

- 9.19. Further the first-floor bedroom measures approximately 20sqm which far exceeds the minimum space standards within the NDSS. In addition to this quantitative assessment, it is considered that both the open plan ground floor space and the first-floor bedroom provide sufficient useable floor areas after the placing of furniture items likely to be required by future occupiers. Each unit would provide sufficient circulation space for two occupiers.
- 9.20. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed development would provide private external amenity space to each dwelling. It is noted that the level of garden provisions varies throughout the site however, each unit would be provided with private space commensurate to the size of the units proposed. It is noted that the smallest space achievable would be to units 4 and 5 which benefit from courtyard gardens of approximately 11.5sqm, however it is considered that this would provide sufficient space for a table and chairs for 2 people.
- 9.21. It is acknowledged that the level of tree canopy on the site may result in shading over the properties and gardens proposed. In order to overcome this and maximise light levels into the properties, window openings are proposed within each of the 3 external walls to each property at both ground and first floor level, with the additional benefit of a roof light.
- 9.22. In order to avoid harmful levels of overlooking between units, particularly in the case of units 4 and 5, where the distance between windows measures approximately 6m, amendments have been made to the scheme to feature angled windows at both ground and first floor. This prevents direct overlooking between the two upper floor bedrooms, with the fenestration directing views to either the north or south. At ground floor level a diving fence is position between the two external courtyards. This fencing is positioned 3m from the ground floor doors and so is considered acceptable.
- 9.23. Overall, it is considered that the proposed dwellings would provide an acceptable standard of accommodation for future occupiers and would therefore accord with the aims of policy QD27 of the Brighton and Hove Local Plan.

Impact on Amenity

- 9.24. The scheme would most affect the immediate adjacent properties directly to the west of the site on Locks Hill and the flats immediately to the east of the site in the adjacent block flats "Greenways". To the south and north of the site, the existing school and college are set well within their site and are a significant distance from the proposed houses.
- 9.25. Details submitted with the application show a 2.5m timber fence to both the northern and southern boundaries of the site. This would prevent direct overlooking from the ground floor windows of the site to the college to the north and existing school to the south. This fence should be maintained and retained

in order to secure the protection of amenity and this is recommended to be secured by condition.

- 9.26. The scheme also proposes high level windows to the rear elevations of the proposed houses at ground and first floor level which will prevent overlooking to the north. To the south the proposed first floor windows would serve stairwells with narrow windows serving the bedrooms. It is considered that the existing trees on site will also limit and filter views from the dwellings to the primary school at the south of the site. These details together with the boundary fencing and proposed tree retention are considered to suitably overcome concerns of overlooking to the north and south both to and from the site.
- 9.27. In respect of the properties to the west of the site, these houses are situated on the opposite side of Locks Hill and would not be significantly affected by the proposed development. The nearest proposed house (unit 1) to the Locks Hill properties is set back from the pavement by approximately 17m and would not impact on the adjacent houses in respect of loss of light, privacy, overshadowing or an increased sense of enclosure.
- 9.28. Turning to the adjacent block of flats to the east of the site, Greenways is a six-storey block of flats and overlooks the proposed site. Residents of Greenways have objected to the scheme on the grounds that the scheme would result in increased noise, light pollution and general disturbance. The flats within the block which face west would generally overlook the proposed site and have some views of the proposed houses towards the eastern end of the site. These views would, however, be limited, and the proposed houses would be set a significant distance from the block of flats (approximately 15m). Accordingly due to their low height and siting, the proposal would not result in a significant impact on the amenity of the block of flats.
- 9.29. Residents of Greenways have also objected to the scheme on the access proposed from Highlands Road, through the Greenways site. Whilst it is considered that the predominant pedestrian access into the site would be from Locks Hill, pedestrian access is also proposed from the east. Whilst no vehicular access is proposed on site, deliveries are proposed to the east of the site (Highlands Road and through the Greenways site). It is considered that such deliveries would be infrequent and that owing to the scale of both the application site and Greenways, such deliveries would not result in significant impact to the amenities of neighbouring residents. Whilst concern has been raised by neighbouring residents regarding rights of access through Greenways, this is a civil matter and does not prevent the granting of planning permission.
- 9.30. Overall, given the size and scale of the proposed dwellings, the scheme would not result in a significant impact on the amenity of any adjacent properties.

Affordable Housing

- 9.31. These proposals would provide 6 net dwellings on the site. Policy CP20 of the Brighton and Hove City Plan requires 20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 net dwellings. The agent of the

application has confirmed that a commuted sum in accordance with this policy will be made.

- 9.32. It is noted that within the Local Authorities commuted sums guidance there is no option for a 1-bedroom house. Following discussions with housing and policy it is considered that the fairest option is to treat the units the same as a one bed flat. Whilst the floor area of the units is greater than the minimum for a one bed, they are still below the minimum size of a 2-bedroom house so wouldn't justify the additional contribution.
- 9.33. On that basis, given the location of the site within Zone 3 of the affordable housing mapping a contribution of £113,000 is sought and secured by a S106 agreement.

Housing mix

- 9.34. Policy CP19 criterion c. states that sites coming forward as 'windfall' development will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Also, criterion d. requires that all new residential development will have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities. The supporting text to Policy CP19 (paragraph 4.213) sets out the broad mix of housing sizes that should be aimed for across the city as a whole, but the text also makes reference to site suitability (paragraph 4.215) as one of the factors that will determine the range and variety of housing.
- 9.35. This application relates to a small housing development of 6 units within a constrained location due to the shape of the site, access, open space, ecology and heritage considerations.
- 9.36. The latest housing supply position shows a very substantial five-year housing supply shortfall (only 2.1 years) and therefore it is necessary to give increased weight to housing delivery in line with NPPF Paragraph 11
- 9.37. It is therefore considered reasonable to justify the provision of 1 bed units on a small development on a constrained site where this would help maximise the number of housing units and makes best use of the site for sustainable development and address an identified housing need.

Trees and landscaping

- 9.38. The proposed development is in close proximity to a number of trees that are the subject of a tree preservation order.
- 9.39. This application is accompanied by a detailed Arboricultural method statement incorporating a tree survey. This method statement identifies the removal of 5 trees along with facilitation pruning to a further 15 trees within the site and on the periphery. The trees identified for removal are in poor condition with visible defects and the proposed pruning works are generally sympathetic and unlikely to have a detrimental upon the retained trees.

- 9.40. The method statement specifies both physical and ground protection measures that are appropriate and acceptable.
- 9.41. Works are proposed within the root protection areas however the foundations of the buildings are of a raft and pile construction, keeping root disturbance to a minimum.
- 9.42. Whilst the arboriculture department have concerns over post development pressure to prune or remove trees, the development is considered feasible and unlikely to have any long term impact upon tree health and therefore no objection is raised.

Ecology

- 9.43. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.44. A Preliminary Ecological Appraisal has been submitted as part of this application which makes a number of recommendations for mitigation measures which are supported. The application site is not designated for its nature conservation interest and the PEA submitted is sufficient in ensuring that biodiversity on the site is protected and enhanced. In addition 18 swift boxes are recommended to be secured by condition and a further condition is proposed to ensure that bee-bricks are included within the external construction of the dwellings proposed.

Sustainable Transport:

Pedestrian access

- 9.45. The applicant proposes changes to pedestrian access arrangements onto the adopted highway which are deemed acceptable. Through the site, the application incorporates a pathway with a minimum width of 1.5m to the southern side of the new dwellings. The width of the pathway increases in width between each pair of houses.

Cycle Parking

- 9.46. The application proposes two cycle parking spaces within the external courtyards of each dwelling. In addition, a further 6 cycle parking spaces are located towards the Locks Hill entrance for visitors. The total number of spaces proposed is 18. Notwithstanding the plans submitted a condition requiring further details of the cycle stores is requested to achieve further information in relation to the materials of the stores proposed.

Vehicle access

- 9.47. The applicant is not proposing changes to the existing vehicles access arrangements which is acceptable. The highways department have requested the imposition of a condition to secure bollards to be placed over the existing crossover to prevent parking on the vehicle crossover.
- 9.48. Where access is difficult for emergency vehicles such as fire engines, sprinkler systems are usually required by building control. These measures will need to

be discussed separate to the planning decision making process. In addition with regards to the ambulance service, vehicles can park near the Highlands Road entrance. It is accepted however that this route may be impractical and is likely that emergency vehicles can temporarily stop on the double yellow lines on Locks Hill with close enough proximity to the dwellings proposed.

Car Parking

- 9.49. The proposed level of on-site car parking (zero space) is in line with SPD14 Parking Standards maximum and is therefore deemed acceptable in this case. The applicant has provided a Transport Statement that indicates that there is space for on-street car parking available for occupants and visitors within the vicinity of the site.

Trip generation

- 9.50. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal

Construction Transport and environment

- 9.51. As this proposal will have potentially significant construction, transport and environment issues for the duration of its construction period it is appropriate for a Construction Environment Management Plan (CEMP) to be requested to hopefully deal with issues before they arise, if not minimise them when they cannot be avoided.

Refuse storage

- 9.52. The application proposes storage areas for refuse and recycling within the amenity spaces of the dwellings together with communal refuse storage situated under the ramp at the western (Locks Hill) end of the site. No concerns have been raised in this respect.

Sustainability

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

Conclusion

- 9.54. Overall, taking into account the previous extant permission, the principle of residential development on the site is accepted. For the reasons outlined, the application is considered acceptable in respect on amenity, design, transport and sustainability.

10. EQUALITIES

- 10.1. It is acknowledged that within the manual for streets document new footways within developments should ideally measure 2m in width to allow two wheelchair users to pass without constraint. However should this not be possible a footpath with a minimum width of 1.5m should be provided. This application proposes a

pathway with a minimum width of 1.5m which is sufficient for wheelchair users and pedestrians to pass. Any increase in the width of this footway would comprise the retention of on-site trees of the quality of the internal living accommodation proposed.

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. It is estimated that the amount of CIL liability for this application is £29,522.16 The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. CLIMATE CHANGE/BIODIVERISTY

- 12.1. The proposal would result in the re-development of a brownfield site and would be a more efficient use of the site to provide six new dwellings than the existing extant planning consent for two. The site is in a sustainable location. The construction methods proposed would ensure the protection of the existing adjacent trees and provide some biodiversity gains through the provision of the swift boxes and bee bricks which are to be secured by condition.

13. LEGAL AGREEMENT / OBLIGATIONS

- 13.1. In the event that the S106 agreement has not been signed by all parties by the date set out in paragraph 1.1, the application shall be refused for the following reason:
1. The proposed development fails to provide necessary affordable housing contribution and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One.

Affordable housing is required to be provided because the proposed development involve the provision of more than 5 units of residential accommodation and to comply with the requirements of City Plan Part One Policy CP20.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Leslie Hamilton

BH2021/02844 – Land To The North Of St Nicolas CE Primary School

18th September 2021:

I still cannot get access to the documents relating to the above application which makes it impossible to get the details as to what is involved. I can comment as follows from what residents have told me.

The land in question was formerly just a driveway to the house that stood on the site of what is now Greenways which has 40+ flats. I understand they all have an allocated parking space. I understand that applicant says there are plenty of spare parking spaces! Yes, but they are other people's! The Greenways site and the development site have different owners. The development site is not wide enough for vehicular traffic. What would happen if there were a fire or need for an ambulance to attend a property. The correspondence I believe says a deal could be done about affordable housing but the application form only refers to market housing. The area of the site is 0.1 hectares for 7 properties, 70 properties per hectare. Far too many on a small cramped space. It is also immediately adjacent to the Portslade Village Conservation Area and I am told that Lesley from Heritage has concerns about the application. Do all the rooms meet minimum criteria size standards?

I would like my objection recorded and I would like it to come to committee following a site visit so that the committee members could see how ridiculous the application is.

NEW APPEALS RECEIVED 10/03/2022 - 06/04/2022

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

EAST BRIGHTON

BH2021/02687

24 Great College Street Brighton BN2 1HL

Installation of roof terrace and front porch at lower level.

APPEAL IN PROGRESS

24/03/2022

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2021/00633

Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE

Erection of a three storey building with roof terrace to provide new office space (E).

APPEAL IN PROGRESS

25/03/2022

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2021/03419

68 Old Shoreham Road Hove BN3 6GF

Prior Approval for the erection of two additional storeys to form second and third floors.

APPEAL IN PROGRESS

22/03/2022

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER AND ELM GROVE

BH2021/02632

239 Queens Park Road Brighton BN2 9XJ

Change of use from dwelling house (C3) to four-bedroom small house in multiple occupation (C4). (Retrospective)

APPEAL IN PROGRESS

16/03/2022

Delegated

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2021/02318
<u>ADDRESS</u>	57 Birdham Road Brighton BN2 4RX
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no two storey dwelling (C3) adjoining existing dwelling.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/03/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2021/02693
<u>ADDRESS</u>	41 Preston Park Avenue Brighton BN1 6HG
<u>DEVELOPMENT DESCRIPTION</u>	External rendering of left and right flank and front of building up to middle moulding. (Part Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	28/03/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2021/01786
<u>ADDRESS</u>	Hot Potato Cafe 71 St James's Street Brighton BN2 1PJ
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of basement store (E class) to a studio flat (C3) with associated alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/03/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2021/02524
<u>ADDRESS</u>	The Outlook 2 Roedean Path Brighton BN2 5RP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey front and side extension, single storey rear extension, rear dormer and roof extensions/alterations with balcony and rooflights and revised fenestration with associated works to enable two flats to become one single dwelling.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/03/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2021/02065
<u>ADDRESS</u>	7 Richmond Road Brighton BN2 3RL

DEVELOPMENT DESCRIPTION Erection of 1no single storey, two bedroom dwelling (C3) to the rear with associated works.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 22/03/2022
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER BH2021/03422
ADDRESS 55 Centurion Road Brighton BN1 3LN
DEVELOPMENT DESCRIPTION Change of use from 5no bedroom residential dwelling/small house in multiple occupation (C3/C4) to a 6no bedroom residential dwelling/small house in multiple occupation (C3/C4).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 22/03/2022
APPLICATION DECISION LEVEL Delegated

WARD **WESTBOURNE**
APPEALAPPNUMBER BH2021/04100
ADDRESS 61 Wordsworth Street Hove BN3 5BH
DEVELOPMENT DESCRIPTION Alterations to roof incorporating dormers to rear elevation and rear outrigger and 3no Velux windows to front elevation.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 31/03/2022
APPLICATION DECISION LEVEL Delegated

WARD **WISH**
APPEALAPPNUMBER BH2021/02824
ADDRESS 46 Boundary Road Hove BN3 4EF
DEVELOPMENT DESCRIPTION Prior approval for change of use of basement and ground floor from retail (A1) to residential (C3) to form 1no one bedroom flat, incorporating replacement of shopfront with window and alterations to side and rear fenestration.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 25/03/2022
APPLICATION DECISION LEVEL Delegated

WARD **WOODINGDEAN**
APPEALAPPNUMBER BH2021/02945
ADDRESS 1 Falmer Gardens Brighton BN2 6NE
DEVELOPMENT DESCRIPTION Erection of a three storey, including lower ground floor, 4no bedroom detached house (C3) on land to the west of existing dwelling including landscaping, parking and new vehicle crossover.

<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/03/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD**WOODINGDEAN**APPEALAPPNUMBER

BH2021/04348

ADDRESS

15 Crescent Drive North Brighton BN2 6SP

DEVELOPMENT DESCRIPTION

Erection of single storey rear extension at first floor level.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

29/03/2022

APPLICATION DECISION LEVEL

Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

Planning Application No	BH2018/03633
Site Address	Land At King George VI Avenue (Toads Hole Valley) Hove
Description	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. [Additional Information to Environmental Statement Nov 21]
Application Decision	Appeal In Progress
Type of Appeal	Public Inquiry
Date Appeal To Be Held:	09.06.2022
Venue of Appeal	The Jubilee Library
Planning Officer	Maria Seale

PLANNING COMMITTEE

Agenda Item 120

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 23/03/2022 AND 19/04/2022

<u>WARD</u>	EAST BRIGHTON
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00100
<u>ADDRESS</u>	68A St Georges Road Brighton BN2 1EF
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from office (E) to form a two bedroom dwelling (C3) incorporating revised fenestration.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/01376
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HOVE PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00104
<u>ADDRESS</u>	7 Woodland Drive Hove BN3 6DH
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no two bedroom detached house (C3) to rear of existing dwelling, incorporating new vehicular crossover and associated landscaping and parking.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02285
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	PRESTON PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00044
<u>ADDRESS</u>	64B Preston Road Brighton BN1 4QF
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for existing use as a dwellinghouse occupied by no more than 5 persons unrelated to each other (outside Use Class C4).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00065
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY

APPEAL APPLICATION NUMBER

APL2020/00172

ADDRESS

First And Second Floors 65 Western Road
Brighton BN1 2HA

DEVELOPMENT DESCRIPTION

Certificate of lawfulness for proposed change of use of first & second floors from retail (A1) to residential (C3) to create 2no flats.

APPEAL TYPE

Against Refusal

APPEAL DECISION

WITHDRAWN APPEAL

PLANNING APPLICATION NUMBER

BH2020/00180

APPLICATION DECISION LEVEL

Delegated

WARD

ST. PETER'S AND NORTH LAINE

APPEAL APPLICATION NUMBER

APL2022/00017

ADDRESS

2 - 3 Gardner Street Brighton BN1 1UP

DEVELOPMENT DESCRIPTION

Display of non-illuminated low-branded sponsored murals.

APPEAL TYPE

Against Refusal

APPEAL DECISION

WITHDRAWN APPEAL

PLANNING APPLICATION NUMBER

BH2021/02245

APPLICATION DECISION LEVEL

Delegated
