

# Planning Committee

Date: **6 July 2022**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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# AGENDA

## 11 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.*

## 12 MINUTES OF THE PREVIOUS MEETING

1 - 22

Minutes of the meeting held on 25 May 2022 and 8 June 2022.

## 13 CHAIR'S COMMUNICATIONS

## 14 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 30 June 2022.

## 15 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

## 16 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.*

### MINOR APPLICATIONS

A	BH2022/01015 - Hove Town Hall, Ground Floor Front, Church Road, Hove - Full Planning	<b>23 - 40</b>
B	BH2022/00632 - 4 Prince's Street, Brighton - Full Planning	<b>41 - 54</b>
C	BH2021/02656 - 184 Saunders Hill, Brighton - Full Planning	<b>55 - 74</b>
D	BH2021/03806 - 7 Deans Close, Brighton - Full Planning	<b>75 - 98</b>
E	BH2021/04500 - 24 The Drove, Brighton - Full Planning	<b>99 - 114</b>
F	BH2022/00612 - Flat 6B, 6 St Aubyns Gardens, Hove - Full Planning	<b>115 - 128</b>

## 17 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

## 18 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **129 - 132**

(copy attached).

## 19 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

(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 Shaun Hughes, (email: [shaun.hughes@brighton-hove.gov.uk](mailto:shaun.hughes@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 25 MAY 2022**

**COUNCIL CHAMBER - BRIGHTON TOWN HALL**

**MINUTES**

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

**Officers in attendance:** Nicola Hurley (Planning Manager), Alison Gatherer (Legal Officer), Emma Kumar (Housing Enabling Officer), Andrew Renaut (Head of Transport Policy & Strategy), Marie Seale (Planning Team Leader), Shaun Hughes (Democratic Services Officer)

**PART ONE**

**121 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

121.1 There were none for this meeting.

**b) Declarations of interests**

121.2 Councillor Yates declared they were leader when the application outline plans were first submitted however, they remained of an open mind on the application. Councillor Yates and Littman stated they had received a number of representations from residents, however they remained of an open mind.

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

121.3 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.

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

**122 MINUTES OF THE PREVIOUS MEETING**

122.1 **RESOLVED:** That the minutes for 4 May 2022 were accepted as a true record of the meeting.

**123 CHAIR'S COMMUNICATIONS**

123.1 Welcome everybody to another special meeting of Planning Committee, called to consider applications in relation to Toads Hole Valley. Although this is the second such meeting, in many ways we are in uncharted territory. In March, we were asked our opinion on the application currently under appeal due to non-determination. We concluded that, had we been presented with it earlier, we would have rejected it on two grounds, highways and air quality. Both grounds related to the fact neither National Highways or our own Highways Department had been able to give their considered views, as the traffic modelling had not yet gone through the final transport audit. We found that all other elements of this outline application were acceptable.

We are now faced with re-evaluating the application in the light of the submission of the transport audit and the resultant withdrawal of objections by both National Highways and our Highways Department. We are also being asked our opinion on an exact duplicate application.

As ever, we are required to exercise our Democratic rights to judge these applications on their merits. As ever, this needs to be done in terms of material planning considerations. As ever, as a Local Planning Authority, we must be both consistent and reasonable.

Here's where it becomes more complicated. Since the first application we are hearing today is the subject of an ongoing appeal, our position on it will go straight to the appeal inquiry. Usually, if we as a committee overturn an Officer recommendation, Officers will then support us in making arguments in favour of our position. As I understand it, in this case, our Officers have already given their opinions to the ongoing appeal inquiry, so this cannot be the case this time. Were we to choose to refuse this application, at least one of us would need to be prepared to appear before the inquiry and defend our position, with supporting evidence.

Also, since the second application we are going to hear today is an exact duplicate of the first, although we are democratically allowed to consider it fully in the usual way, in the absence of any change in circumstances, any outcome other than that which we reach with the first application, would leave us open to accusations of inconsistency. This is a very unfortunate position for us to find ourselves in. We are always limited in how much we can pursue policy goals, either those of our political parties or those of the Council as a whole, due to the quasi-judicial nature of this Committee, and the fact we have to make decisions within the overarching national planning legislative framework. On this occasion, we may consider ourselves to be even more tightly bound due to the additional restrictions placed on us by the ongoing appeal inquiry.

Nonetheless, I am happy for debate to be as broad as usual. I think this is the best way for us to come to the possible outcome for the city. That is, as ever, our overriding goal.

**124 PUBLIC QUESTIONS**

124.1 There were none.



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

125.1 There were none.

**126 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS****A BH2018/03633 - Land at King George VI Avenue (Toads Hole Valley), Hove - Outline Application**

1. The Planning Manager introduced the application to the committee with information from the case officer and Head of Transport Policy & Strategy.

## Answers to Committee Member Questions

2. Councillor Childs was informed that the selling of units as second homes was not a planning matter and there was no requirement for the developer to not sell units as second homes.
3. Councillor Shanks was informed by the Head of Transport Policy & Strategy that a number of scenarios had been assessed in the traffic modelling which covered the whole development.
4. Councillor Yates was informed by the Planning Manager that second home ownership was not covered by City Plan and under use class second homes count as a dwelling. The case officer informed the councillor that under policy three bed plus homes were family units.
5. Councillor Fishleigh was informed by the case officer that if a change of use were proposed it would be outside scope of this application. If a second home policy were to be introduced, it would be a consideration on a reserved matters application, but greater weight would be given to the existing permission. This item A was to consider the highway and transport impact only. It was noted that the local bus services have been reviewed and the most optimised services will be sought.
6. Councillor Ebel was informed by the Head of Transport Policy & Strategy that bus services are to be reviewed to enhance the existing service and the frequency will be the best optimised with 10/20 minute gaps. The bus service will be commercial and will not be subsidised. It was noted that there was no time limit on the when the budget would be spent on the bus services. The Council Lawyer noted that receipt of the Bus Contribution would be phased. The case officer informed the councillor that the first phase of the development was located near existing bus services and the phasing had been considered carefully as it needs to be feasible.
7. Councillor Moonan was informed by the Head of Transport Policy & Strategy that the four entrances onto the development were taken into consideration. The case officer informed the councillor that the school would remain in the development even though pupil numbers were dropping. This will be reviewed in 2023/24 and if no school is provided the sports facilities will still form part of the development with 3G football pitch and games area. It was noted that only the land for the school was sought under policy.

Substantial public engagement has taken place and demand has been identified for the city in general as there are a lack of football pitches. The Planning Manager noted that under City Plan future consultations will take place and the results form part of the emerging City Plan review. It was noted that the reserved matters applications are likely to come to committee. The scheme of delegation sets out when an application goes to committee. The Chair noted the details did not necessarily need to come to committee however, it was most likely.

8. Councillor Barnett was informed by the case officer that as this was an outline application there no details of how many flats, houses and affordable homes would be built. The Housing Enabling Officer informed the councillor that they would be looking at the mix of housing.
9. Councillor Theobald was informed by the Head of Transport Policy & Strategy that discussions have been held with the bus companies on how to serve the site, and the access points onto the site have been assessed and no problems found. The case officer noted that there were no objections in principle regarding the South Downs National Park to the roundabout changes proposed. It was noted that the majority of trees were on Highways England land, were mostly Ash and were not on the development site.
10. Councillor Yates was informed by the case officer that cycleways and footways to the school would be through the Site of Nature Conservation Interest, with low level lighting and that the site will attract a Community Infrastructure Levy (CIL).
11. Councillor Shanks was informed by the case officer that the sports facilities were included in the strategy and that the parking would be dealt with under reserved matters and any overspill issues would be dealt with at that time.
12. Councillor Childs was informed that connections to centres of activity and public transport interchanges was a key consideration for potential routes.
13. Councillor Littman was informed by the Head of Transport Policy & Strategy that the discussions took into account national standards regarding an 8% increase in traffic in the area and the council will be looking at the core test.

#### Debate

14. Councillor Shanks considered the application had taken too long to come forward and the council were now trying to reduce traffic and car usage. The councillor considered a parking permit scheme would be appropriate for the site with electric points for cars and bikes on site as well. The councillor considered the committee needed to agree the development.
15. Councillor Yates stated they were not at the original meeting; however, they noted the significant supporting evidence from the officers and supported the application.
16. Councillor Theobald considered that 880 homes was a lot, starting and stopping of cars on the road next to the development would increase pollution, and traffic will increase at the already busy roundabouts with a knock-on effect on the surrounding roads, the

development would have a negative impact on the nearby National Park, the roundabout would become more dangerous for pedestrians and there would be general traffic chaos. The councillor did not support the application.

17. Councillor Littman considered the committee were not in a position to take issue with experts on a technical level. The development was not perfect and could be more ambitious. The councillor supported the application.

Vote

18. A vote was taken, and by 7 to 2 the committee agreed the recommendation.
19. **RESOLVED:** That the two reasons for refusal (relating to insufficient information concerning transport and air quality impacts) as set out in the Planning Committee resolution of 21/3/22 be withdrawn and that the council no longer defends the appeal on the basis of these reasons at the forthcoming public inquiry, for reasons outlined in the report.

**B BH2022/00203 - Land at King George VI Avenue (Toads Hole Valley), Hove - Outline application**

1. The case officer introduced the application to the committee with information from the Principal Planning Officer on policy.

Speakers

2. Ward Councillor Brown addressed the committee and stated that they felt compelled to speak as the development would have a serious detrimental effect on the wider Hove area and were therefore against the application which is considered to be an over development of the site with two to three times the density compared to the surrounding area. The councillor questioned if the 40% affordable housing would be constructed as the land is to be split up and sold. The piecemeal approach could take 10 years with no overarching control on the site. It was noted that pollution will increase, and the water aquifer needs protecting from contamination. A major concern is traffic especially the impact on King George VI Avenue. The residents will need a choice of transport, however the 21A bus only runs once per hour and not in the evenings. Bus services need to be in place from the start of the development with bus/cycle gates. The proposed office space will require parking in this already crowded area. Drivers will look for other routes due to congestion and 'rat runs' will be created in the area. The proposed traffic lights at junction of A27 and King George VI Avenue will be very challenging. If the application is approved, it will be a loss to the city as traffic will swamp this area and rest of the city.
3. Gareth Hall addressed the committee as an objecting resident and stated that the council has had four years to cover traffic issues with a predicted 80% increase. It was not considered that the developer was taking onboard residents' comments. The proposed four way traffic signal will increase traffic on Goldstone Crescent, details of the increase are needed. The conditions could have timescales to achieve this. Residents feel the impact of the development is not understood and the committee should refuse the application.

4. Martin Carpenter addressed the committee as the agent acting on behalf of the applicant and stated that the development meets policy and density requirements. The 40% affordable housing standard was set by the council and the developer would not provide less. Projected traffic pollution was found to be within acceptable limits.
5. David Bird addressed the committee as the transport consultant for the applicant and stated that the scheme had a well balanced approach to cars and transport. The proposed cycle routes will reduce road congestion as will the improvements to the A27 junction. New bus routes are proposed from the site which could include a route to Hove station and Hove Town Hall every 20 minutes. The service should be financially viable with 5-600 homes and the S106 will provide funds. A travel plan has been provided. It is not possible to enforce a no car use, however, the use of sustainable modes can be encouraged. The core traffic growth assessment covers the whole site. The average speed of traffic will be reduced at peak times by the traffic signals.

#### Answers to Committee Member Questions

6. Councillor Yates was informed that the proposals for alternative uses of the 5 hectares of land allocated to school would come forward if the school were not constructed. This could be discussed through the City Plan Part 1 review.
7. Councillor Theobald was informed that the school would be Secondary level. This could be changed through the City Plan Part 1 review.
8. Councillor Childs was informed by the Applicant's legal advisor that there was no current policy against how market houses are disposed of and they would not volunteer to exclude second home buyers.
9. Councillor Shanks was informed by the Housing Enabling Officer that the council preferred affordable housing to be with registered providers. The case officer noted it was not within planning's control to request stores on the site provide fresh food.
10. Councillor Theobald was informed that this is an outline application with no site layout yet, archaeological research would be required by condition and 10% of the units will be wheelchair accessible. The Housing Enabling officer stated that 55% of affordable homes would be for rent and 45% would be affordable ownership units 25% of all affordable housing would be first homes. The case officer noted that the proposed surgery would be in phase three of the site development and built to shell and core. The properties will be no closer than 12 metres with reference to pollution.

#### Debate

11. Councillor Yates considered the development was more fitting for the 20<sup>th</sup> Century than the 21<sup>st</sup> as the development had taken too long. The development feels more 1980s with lots of tarmac and housing. The councillor did not feel that could vote against and that their hands were tied. The councillor considered the development was not right for the city.

12. Councillor Moonan considered the site needed developing and noted that the application was policy compliant with the maximum number of homes and there were lots of details to come. The councillor was concerned about the next step as the site will be broken down into three phases, with the school in the last phase. The councillor was also concerned about the 5 hectares for the school/community sport and wanted this area not to be used for housing. The councillor requested a review of City Plan part 1 and to work with local residents. The councillor considered their hands were tied as there was a need for housing and there was the chance to work on the detail.
13. Councillor Theobald considered the sports and leisure should be protected, that 880 was an over development of the site, 700 would be more appropriate and noted that many units were flats. The councillor expressed concerns regarding the impact on the South Downs National Park, noise pollution for residents of the new development, construction traffic impact on existing neighbours and traffic congestion resulting from the development. The councillor considered the proposals to be an overdevelopment of the site.
14. Councillor Barnett considered the development to be too much, the traffic issues to be lethal, and the flats to be boxes. The councillor did not support the application.
15. Councillor Fishleigh noted that Ward Councillor Brown had addressed the committee, however the remaining two ward councillors had not.
16. Councillor Shanks considered a sustainable model development should have come forward and that traffic should be on a downward trend, not up. The councillor supported the application.
17. Councillor Childs stated they were disappointed that the applicant did not agree to voluntarily restrict second home ownership at the site and considered the council needs to look at policies regarding second homes, also the council should hold onto the affordable housing and not give over to a registered provider. The councillor considered the proposals to be an overdevelopment of the site, however, the city did not have enough homes and the council needs to build more. The councillor supported the application.
18. Councillor Ebel considered the plan was not ideal but was policy compliant. The existing bus services were not sufficient, and the community should be supported, and there would be an improvement once the development was built. Family housing is urgently needed, and the development includes family homes. The councillor supported the application as it was policy compliant.
19. Councillor Littman considered that local policies need to be seen in light of national policy. The development will provide 880 homes and the city is not able to supply enough homes. The councillor noted that the government carbon neutral date was 2050 and considered the city should be doing this earlier. The site has been highly scrutinised, and it is considered that sustainability is wanted in the urban fringe. The councillor considered they had no choice and supported the application.

Vote

20. A vote was taken, and by 7 to 2 the committee agreed to grant planning permission.

21. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 legal agreement and conditions as set out in Appendix A (S106 Heads of Term) and B (Conditions & Informatives), **SAVE THAT** should the s106 agreement not be completed on or before 25 September 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix E of the report.

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

127.1 There were none for this agenda.

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

128.1 There were none for this agenda.

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

129.1 There were none for this agenda.

**130 APPEAL DECISIONS**

130.1 There were none for this agenda.

The meeting concluded at 5.02pm

Signed

Chair

Dated this      day of

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 8 JUNE 2022**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Moonan, Shanks, C Theobald and Yates

**Apologies:** Councillors Barnett, Hills

**Co-opted Members:** James Forbes (Conservation Action Group)

**Officers in attendance:** Jane Moseley (Planning Manager), Don Anyiam (Highway Agreements Officer), Russel Brown (Principal Planning Officer), Joanne Doyle (Senior Planning Officer), Alison Gatherer (Lawyer), Robin Hodgetts (Principal Planning Officer), Andrew Renaut (Head of Transport Policy & Strategy), Emily Standbridge (Senior Planning Officer), Jack Summers (Planning Officer) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**1 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

1.1 There were none for this meeting.

**b) Declarations of interests**

1.2 Councillor Littman stated they had advised the applicant that Planning permission would be required for item I, however, they remained of an open mind. Councillor Moonan stated they had received emails from residents regarding agenda items, however, they remained of an open mind. Councillor Shanks stated they had been contacted by residents regarding item C, however, they remained of an open mind.

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

1.3 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.

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

## 2 MINUTES OF THE PREVIOUS MEETING

- 2.1 Minutes of 25 May 2022 Planning committee to be circulated separately.

## 3 CHAIR'S COMMUNICATIONS

- 3.1 Welcome everyone to today's non-special meeting of Planning Committee. As you may know, we have had two special meetings over recent months, dealing with the outline application for the development at Toad's Hole Valley. I am pleased to be able to report that, following Committee's decision a fortnight ago to grant the duplicate application, the developers have withdrawn their appeal for non-determination of the original application, meaning the public inquiry, which was due to start tomorrow, has been cancelled.

Although a significant step forward has been taken on this project, there are likely to be many more to come. We can now look forward to receiving one or more detailed applications, and, perhaps, further variations to the outline application.

I was asked at the last ordinary meeting by Councillor Moonan and Councillor Shanks in regard to policy on affordable housing, in particularly in relation to Brighton and Hove City Council taking on affordable housing where other registered providers were not prepared to do so, and item A relates to this, which is why it was asked to be put back from last time. I have received a message stating that a review has been undertaken by the cross party Housing Supply Board and they have identified the need to increase the housing supply as a high priority over the coming months. A review of the business plan and criteria and financial modelling for achieving additional council housing was endorsed at the last Housing Member Supply Board and this in conjunction with strategic housing needs assessment will lead to a long term approach which could embed a more buying of properties into the business plan. Fundamentally the co-chairs of TECC and Housing committee have been made aware of this committee's fervent desire for the council to be more pro-active in taking up smaller quantities of affordable housing on the sites coming to this committee and has been taken up with the Housing committee Members.

Other than that, this being the first meeting since Annual Council, I can announce a change to the Committee's makeup. As a result of Cllr Mary Mears' current ill-health, Cllr Bridget Fishleigh has decided to stand down from the Committee in order to concentrate on work on behalf of residents in the ward she shares with Cllr Mears. We wish Cllr Mears a speedy recovery and thank Cllr Fishleigh for her contribution to this committee over the last three years.

In line with proportionality rules, Cllr Fishleigh's seat has been given to the Green Group of Councillors, and I am delighted to announce that Cllr Elaine Hills will be joining us. Cllr Hills cannot be with us today, as she is still reorganising her weekly schedule to accommodate Wednesday afternoon meetings. Councillor Philips was to substitute however, they were not available.



**4 PUBLIC QUESTIONS**

4.1 There were none.

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

5.1 There were none for this agenda.

**6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2021/00780 - Land at Junction of Foredown Road & Fox Way, Foredown Road, Portslade - Outline Application**

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

Answers to Committee Member Questions

2. Councillor Yates was informed by the Planning Manager that the 10 to 14 units proposed attracts affordable housing. The case officer stated that between the previous committee on 4 May 2022 the Housing team had agreed to consider whether to purchase the affordable housing on site. The S106 will be changed to provide on-site affordable housing and if the housing is not supplied, the fallback is the commuted sum.
3. Councillor Theobald was informed that the development was policy compliant, that details of the development were to come, and the gardens would need to be appropriate in size, which could be ensured through the reserved matters applications.
4. Councillor Yates was informed that a new planning application and S106 agreement would be required if the developer wished to increase the number of units on site to 15, with the resulting increase in affordable housing requirement.

Debate

5. Councillor Shanks stated they were happy with the changes but considered that the policy needs reviewing to reduce the number of units which trigger the affordable housing. The councillor supported the application.
6. Councillor Yates considered it good to have the affordable housing and supported the application.
7. Councillor Theobald considered the triangle of land to be too small, the commuted sum would not be acceptable as affordable housing would be better and the traffic at the junction would be an issue. The councillor did not support the application.
8. Councillor Childs stated they were pleased with the amended application, considered the traffic issues at the junction needed to be looked at by Highways, the city needs housing from small sites as well as others. The councillor supported the application.

9. Councillor Littman considered it was good to have a commuted sum as a fall back and noted the issues started when the Bentham Road application was refused as the affordable housing would have been provided on that site.

Vote

10. A vote was taken, and by 6 to 1 the committee agreed to Planning permission.
11. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **24th August 2022** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13.1 of the report.

## **B BH2022/00670 - 9 - 12 St Catherine's Terrace, Hove BN3 2RH - Full Planning**

1. The Planning Manager introduced the application to the committee.
2. The case officer informed the committee that no objections had been received from Sussex Police or Environmental Health. An additional condition had been added requiring that only people with a connection could be housed at the site.

Speakers

3. Ward Councillor Wilkinson addressed the committee and stated they supported local residents in objecting to the application which will have a substantial adverse effect on the community. The location was never salubrious, and the condition has got worse. Many residents avoid the site following anti-social incidents. A number of emergency calls to the site have been recorded. The councillor requested that the site was changed to a less impactful use. The current use was temporary on trial for two years and the application was retrospective. The councillor has received letters objecting to the site. The change from hotel to hostel has created issues and the harm outweighs the benefits. The councillor requested the committee refuse the application.
4. Dan Olney of St Mungo's addressed the committee and stated that the site was part of the 'no second night out' project and was a rapid assessment centre where rough sleepers were re-connected or found accommodation. Some 321 persons have been moved away from rough sleeping and given support to recover from issues. 45 beds are required with 24/7 staffing. St Mungo's moved into the site last October and have a management plan agreed by the Police. There have been no reports of anti-social behaviour to the police since, with patrols and robust warning procedures. Residents can be asked to leave, and it was noted that if the residents were not here, they would be in the city, with the associated anti-social behaviour issues. The group want to be good neighbours. St Mungo's are committed to ending rough sleeping. The committee were requested to support the application.

## Answers to Committee Member Questions

5. Councillor Ebel was informed by the case officer that the management plan prevents congregating outside the front of the building. Dan Olney stated there was a smoking area in the large garden to the rear of the property. Staff patrol outside and request residents to come inside if they are too noisy. The case officer confirmed that this was a retrospective application and prior to the application no formal planning controls were in place. The application is to regularise the use. The management plan is enforceable and if issues occur, the enforcement team can investigate. Dan Olney stated that nothing was in place prior to St Mungo's taking over the site in October 2021 and stated that other sites have management plan and are self-monitoring with patrols and Police call outs recorded. The management plan is regularly reviewed, and more staff are deployed if needed. St Mungo's are happy to talk to the local community and respond to any issues immediately.
6. Councillor Shanks was informed by Dan Olney that the staff are very well trained and are able to cover all aspects of the rough sleepers, who are assessed within seventy two hours of arrival. Those without local connections are connected to the relevant social services teams elsewhere. The role of the site is to support and move on.
7. Councillor Moonan was informed by Dan Olney that data regarding the length of the longest stay could be supplied, and that some people stay longer than 42 days whilst awaiting accommodation or reconnecting. The team look at the challenges with partners and providers, and persons are only asked to leave if they are in breach of the licensing condition. It was stated there is a break clause with the landlord and the building will return to the council after 2023. St Mungo's took the building last year as there was a time pressure to find a location with tight timescales to move from a previous property. Only three rooms are below space standards to a small degree, which is acceptable as a percentage of accommodation.
8. Councillor Yates was informed by Dan Olney that the average stay was 67 days, St Mungo's wanted the best size of rooms available, and it was considered that as emergency accommodation these rooms were better than the streets. Residents will be moved to larger rooms when they become available, and if necessary, given their personal circumstances. Under the management plan the crime rate has decreased since October 2021 with regular patrols and risk assessments for all residents. The percentage of residents asked to leave due to anti-social behaviour is not known. There are no residents still in the hostel who there in October 2021.
9. Councillor Theobald was informed by Dan Olney that there 18 members of staff who cover nights as well as days, with 6 on site at any one time. The number of residents who are from Brighton and Hove is not known.
10. Councillor Childs was informed by Dan Olney that the hostel only takes single persons, and the size of the hostel was not unusual. If the planning application is refused, the applicant could appeal and it was noted that it was very difficult to find this type of accommodation, and this was the only building which came up in the area.
11. Councillor Moonan was informed by Dan Olney that St Mungo's had the right to refuse entry to visitors, access was controlled at all times, there is CCTV throughout the

building, men and women are accepted and the building can be zoned for gender. Rooms are allocated by needs, with the majority being ensuite. No cooking is allowed in rooms as food is provided at breakfast and dinner.

12. Councillor Yates was informed by Dan Olney that to reduce costs lunch was not provided and it allowed residents a chance to be independent. It was noted that this is not uncommon. Microwaves and ovens are provided on site.
13. Councillor Childs was informed by Dan Olney that there was zero tolerance of drugs and regular checks are carried out. The case officer noted that the management plan was supported by the council and the Police.

#### Debate

14. Councillor Shanks supported the application and considered the site did very important work and was vital in the city. The councillor requested the committee support the application.
15. Councillor Yates supported the application and was happy for the try out at the hostel and noted the strong management plan which would cover any upcoming issues. This was the best use of the building.
16. Councillor Theobald considered the building to be lovely and this to be a good use. The councillor supported the application.
17. Councillor Ebel noted that hotel was empty prior to use as a hostel. The councillor had some concerns and wanted the management plan to be followed. The councillor noted that St Mungo's was working with the community and supported the application.
18. Councillor Childs considered the work done by St Mungo's to be laudable. The councillor considered the scale may lead to issues and had some concerns. It was noted that the property is lovely and there is a dire need to house the homeless. A permanent use for social housing would be better. The councillor was against the application.
19. Councillor Moonan stated their knowledge of the building included breach of conditions over many years and noted the neighbours' frustrations, and as with other hostels in the area there have been significant challenges. The number of residents in the building is too many and the three small rooms are not appropriate, with the average stay too long. The solution at the end of the short term proposed is unclear. The councillor considered the building too big with not enough support and was against the application.
20. Councillor Littman understood the concerns and noted that it meets policy and helps the most vulnerable people in the city. The councillor supported the application.

#### Vote

21. A vote was taken, and by 5 to 2 the committee agreed to grant planning permission.

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

**C BH2021/04390 - 28A Crescent Road, Brighton, BN2 3RP - Full Planning**

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

Speakers

2. Dominic Furlong addressed the committee as an objector and stated that the development was meant to be car free. In breach of the parking condition, residents are able to get parking permits. 'Rat runs' usage in the area has increased. 29 objections have been submitted. The application fails to demonstrate lack of parking in the area with no on street survey required under policy. The appeal was dismissed in September 2019. The area is 97% full and any further parking would be detrimental to free flow of traffic.
3. Colm McKee addressed the committee as the agent acting on behalf of the applicant and stated that they welcomed the officer's positive report, and they did not consider the parking condition appropriate and refusing the application would be contrary to national policy. Other appeal decisions have been consistent with policy. The agent requested the committee support the application.
4. Gavin Stubbs addressed the committee as the applicant and stated that one permit would be issued per unit. The applicant stated they were a professional couple living at top of Round Hill and there was plenty of space in surrounding streets to park, otherwise it was a 15 minute walk to parking. The applicant considered young families would be forced out of the area and only wanted parity with other areas.
5. The Planning Manager informed the committee that even if the application was approved and the condition removed, the Traffic Regulation Order would still require amendment to allow parking permits to be issued to the applicant.

Answers to Committee Member Questions

6. Councillor Shanks was informed by the case officer that the Highways/Parking and Planning systems were separate, and the parking database was operated by the Highways team. The 2017 application was to discharge the parking condition; however, the database was not updated to remove the property's entitlement to parking permits. Separating the application process will help to stop errors. The legal officer confirmed that Planning will not include a car free condition as it is dealt with through the Highways regulations. The Planning Manager confirmed that the if Highways request a development is car free, then this can still be required, but directly through the Parking Service, rather than requiring Planning to contact the Parking Service.
7. The Highway Agreements Officer stated that prior to now Planning could apply the car free condition. It is proposed that previously condition required developers to contact Highways and it was incumbent on developers to inform residents if the development is car free. Now an informative would be added, noting that planners would pass the

details directly to the Parking team. It was noted that the application was before the committee as residents had applied for parking permits. The policy setting out the process to secure car-free developments will be going before Environment, Transport and Sustainability (ETS) committee.

8. Councillor Ebel was informed by the case officer that one parking permit had been issued.
9. Councillor Yates considered the situation as mess, policy states car free on grounds of advice from Highways, then don't act or update data base. Policy for planning is to mitigate traffic and parking stress. The councillor was informed by the Planning Manager that it was because of these issues that they were getting the process in place to streamline, and it was not all about parking stress but also air quality. One of the mitigating factors in allowing the development was the car free element so it was still relevant to planning.
10. Councillor Littman noted that across the country Planning Inspector decisions have changed to remove the requirement for car-free conditions.
11. Councillor Moonan was informed by the legal officer that case law showed that the car free condition was not appropriate.
12. Councillor Theobald was informed by the Planning Manager that the removal of the condition would not remove the prohibition of parking permits. It was not known if there was a car club in the area.
13. Councillor Shanks was informed by the Planning Manager that informative number 2 covered no parking permits at the development, with details to be passed to the Parking team.
14. Councillor Moonan was informed by the Highways Agreements Officer that residents are not able to appeal a parking permit refusal. It was noted that car free requirements are based on parking not traffic and Highways will indicate in reports whether a development should be car free or not.

#### Debate

15. Councillor Yates stated they supported the application and was pleased the policy would be going to ETS committee.
16. Councillor Theobald considered it was a shame there was no parking onsite and they did not like car free developments and the site was approved with no resident parking permits.
17. Councillor Shanks considered the development should be car free and stated they were against the application.

#### Vote

18. A vote was taken, and by 5 to 2 the committee agreed to grant planning permission.

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

**D BH2021/02656 - 184 Saunders Hill, Brighton BN1 9ES - Full Planning**

1. This application was not discussed at the meeting, as the council chamber was flooded and will be referred to the next Planning meeting.

**E BH2021/04096 - Land to the West of 149 Ladies Mile Road, Brighton BN1 8TB - Full Planning**

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

Speakers

2. Ward Councillor McNair addressed the committee and stated that there three reasons to object to the application. The developer states there would be no trees lost, this is not true. The eco systems have been lost. The proposed patios are not good enough nor is one parking space at each unit. Visitors will find it difficult to park. The neighbouring properties are low level bungalows or individual dwellings, and town houses don't fit the streetscene. The proposed properties will overlook the existing neighbours. Local residents would prefer two bungalows with more off street parking. The properties should have more space and better biodiversity.
3. Robert Miles addressed the committee as an objector and stated that trees have been lost through the destruction of the existing garden and habitat. If the proposals are agreed there will be more cars parked on the road, which is already congested with traffic. Drains and other local services will be affected. Other new builds have been in keeping with the locality; however, the proposals are not. The committee were requested to refuse the application.
4. Courtney Darby addressed the committee as the agent acting on behalf of the applicant and stated that trees had been removed when the applicant looked at the site, which was mostly covered with tarmac and other hard surfaces. The costs of returning to the previous eco system would be high. The biodiversity of the site will be enhanced by the wild flower roofs, planters and 8 to 10 new trees. The style of the area is mixed with the south side of the road being vary varied. The applicant has been working with officers and minor tweaks have been made.

Answers to Committee Member Questions

5. Councillor Moonan was informed that the adjoining building ceased to be used as a school in 2020 and is now in use as a nursery and the existing external space was to be retained of approximately 950sqm, which will be accessible to public and nursery children. It was confirmed that the proposals met policy requirements and the open space is sufficient for the nursery school as required by Ofsted.
6. Councillor Theobald was informed that the nursery space to be retained was 1,000sqm.

7. Councillor Yates was informed that there were no Tree Preservation Orders (TPO) on the site and no breach had occurred when the trees were removed. The existing open space was considered poor quality and any development would require planning permission.
8. Councillor Theobald was informed that if there was an education covenant on the land, this was not a planning consideration.
9. Councillor Shanks was informed that no objections had been received from Highways with regards to parking and traffic.

#### Debate

10. Councillor Theobald stated they attended the nursery and were previously a governor of the school. The councillor considered it was a shame to lose the trees and the nursery to be left with only a strip of land. The development is out of character with the area. It was a shame to reck the nursery. The development was too dense and out of keeping. The councillor was against the application.
11. Councillor Yates considered it was the rational decision to approve more houses and they were content that there was no stress on parking. The change of front gardens into parking will harm the environment. There are a variety of buildings in the road. The councillor was pleased to see more homes in the city and supported the application.
12. Councillor Childs supported the application and considered the design to be consistent with the road. The councillor noted that homes on this type of site was better than on the city fringe land.
13. Councillor Moonan was against the application as they considered the homes were fine, it was the impact on the community space. The councillor was not satisfied that the nursery school had enough space, and they were therefore not able to support the application.
14. Councillor Littman supported the application considering that 4 bed homes were needed. The removal of the trees was a concern however nothing could be done about that. The councillor considered the development an improvement.

#### Vote

15. A vote was taken, and by 5 to 2 the committee agreed to grant planning permission.
16. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

#### **F BH2021/03826 - 16 Wilbury Villas, Hove, BN3 6GD - Full Planning**

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



## Speakers

2. Ward Councillor O'Quinn sent a statement which was read out by the Democratic Services officer as follows: "I would like to declare that I know the developer of this property but have only seen him in passing for the last two years. He was responsible for the major re-development of one building, 15 Wilbury Villas, and the creation of an adjacent block of luxury flats. Also, I made two errors in my on-line objection – there is only a two-storey extension to the outrigger, and I understand that the top terrace will be used, but that there is no objection to that from residents at no 18.

No 16 is the developer's next project and might be welcomed were it not for the extension to the outrigger and the creation of terraces and balconies, which are very much a continuation of the style of the two previously mentioned developments but with one major difference – they have a negative impact on neighbouring properties. The main issues which residents have raised with me are noise disturbance, overlooking, over-development, loss of light and loss of private amenity.

The outrigger at the back of no 16 is already very dominant and blocks light from no 18 and also from the flats at no 16. To extend it further creates significant issues of loss of light to all the flats at no 18 and it also takes away an important area of light and sky from the garden of no 18.

The basement flat of no 16 is going to be extended out considerably and as a result needs additional light brought into it by lightwells. The flat on the ground floor of no 16 will thus be able to look down into the basement flat at no 16 from their terrace – thus impinging on their privacy! The basement flat of No 18 will be especially adversely affected by the extension of the outrigger, which will block light and sun in the flat and in the garden and also by the proposed screenings and the wall between the two properties.

Residents at no 16 (mainly owner occupiers) feel that the terraces and balcony proposed in the application will create overlooking, noise, and disturbance. This is inevitable as the terraces look directly into bedrooms and living rooms at no 16, mainly due to their size. Juliette balconies would be more appropriate for the ground and 1<sup>st</sup> floor flats at no 16. Residents have stated that the rear of number 16 is a haven of peace and quiet at present and that it would be affected negatively by the introduction of large terraces and a balcony. Indeed, I experienced the tranquillity for myself when visiting – you would hardly know you were in a busy city with a busy main road nearby.

It should be noted that despite the major refurbishment and extension of this property, no extra flats are being created. This is intended to be a high-end, top of the rental market property but at the expense of its neighbour's quality of life and by not adhering to the cities Supplemental Planning document".

3. James Simpson addressed the committee as a representative of objectors and stated that the development would increase the noise to neighbours and have an inappropriate impact on the shared garden of number 16. The committee were asked to refuse the application on grounds of overlooking – neighbours have the right to enjoy homes respected by extensions, and daylight – proposed screens will remove natural light from number 18 particularly to the basement. The proposals to the rear of the building where

a terrace exists will unbalance the rear elevation. Number 18 objects to the application but is willing to discuss.

4. Ian Coomber addressed the committee as the agent acting on behalf of the applicant and stated that the development improves the flats, and the existing dwelling overlooks all the gardens. Obscured glazing is to be used on the privacy screens improves the area. The impact of the proposals on the rear windows of number 18 has been dealt with in the report. The development improves the standards of accommodation and will add value. It should be noted that light will pass through the obscure glazing. The design is worthy of the building. The committee were requested to agree the application.

Answers to Committee Member Questions

5. There were no questions.

Debate

6. There was no debate

Vote

7. A vote was taken, and the committee agreed unanimously to grant planning permission.
8. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**G BH2022/00632 - 4 Prince's Street, Brighton, BN2 1RD - Full Planning**

2. This application was not discussed at the meeting, as the council chamber was flooded and will be referred to the next Planning meeting.

**H BH2022/00947 - 16 and 16A Gladstone Terrace, Brighton BN2 3LB - Full Planning**

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

**I BH2022/01015 - Hove Town Hall, Ground Floor Front, Church Road, Hove, BN3 4AH - Full Planning**

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

Speakers

2. Ward Councillor Wilkinson addressed the committee and stated that they objected to the application as the proposals will impact on the residents with loss of trees and space for

the community in this greatly used area. The decking for Platform 9 will be for them only and therefore a loss to the community. The area is a public space by design, is well liked and well off for seating. The loss of the tree and planting will impact on the biodiversity of the area and the proposed new planters will not be enough. The proposal will result in an increase in noise pollution. The community space will be lost to private use at no benefit to the community. Public space should remain as such. The committee were requested to refuse the application.

3. The applicants addressed the committee. Dan Roper noted that the heritage team seemed to accept the proposals and the decking and planting will be simple. The large tree has already gone, and the existing trees and shrubs will stay. Only 1% of vegetation will be lost. Scott Currie considered the square was underused, was already a meeting place and therefore noise would not increase as a result of the proposals.
4. James Forbes of the Conservation Action Group addressed the committee and stated their groups comments were in the late list not the report. The submitted drawings were poor and missing a block plan, the planting next to the south elevation doors was also missing. It was noted that the seating was needed and the square locally listed. The group considered the festoon lighting to be detrimental to the conservation area.

#### Answers to Committee Member Questions

5. Councillor Moonan was informed by the case officer that no opening hours were proposed for the decking. Dan Roper stated that the closing time would be approximately 5/6pm, and later when being used for an event. It was confirmed that the applicant has an alcohol licence.
6. Councillor Theobald was informed that the silver birch tree was to remain by condition, as would be the details of the planters which included a 5 year protection requiring any plants that die to be replaced. The exact size of the decking is not known. It was thought to be slightly larger than the existing shrub bed. The maximum number of persons on the decking will be 20.
7. Councillor Ebel was informed that the decking would be fully wheelchair accessible.
8. Councillor Yates was informed by the applicants that the chairs would be removed or chained together at night and there would be no fixed seating. The applicant stated they had a duty of care for the decking and furniture. The case officer confirmed that any change of signage would require advertisement consent and this application does not cover this.
9. Councillor Moonan was informed by the applicants that local business' have supported the proposals. The Planning Manager did not consider that a 7pm closing time for the decking would be reasonable given the surrounding bars and pubs in the area.

**At this point the meeting was adjourned as the council chamber was flooded by rain water.**

**The chair closed the meeting and stated that the discussion on the application would continue at the next planning committee meeting on 6 July 2022.**

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

7.1 This part of the agenda was not reached as the meeting was abandoned due to flooding in the council chamber.

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

8.1 This part of the agenda was not reached as the meeting was abandoned due to flooding in the council chamber.

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

9.1 This part of the agenda was not reached as the meeting was abandoned due to flooding in the council chamber.

**10 APPEAL DECISIONS**

10.1 This part of the agenda was not reached as the meeting was abandoned due to flooding in the council chamber.

The meeting concluded at 6.10pm due to flooding in the council chamber.

Signed

Chair

Dated this

day of

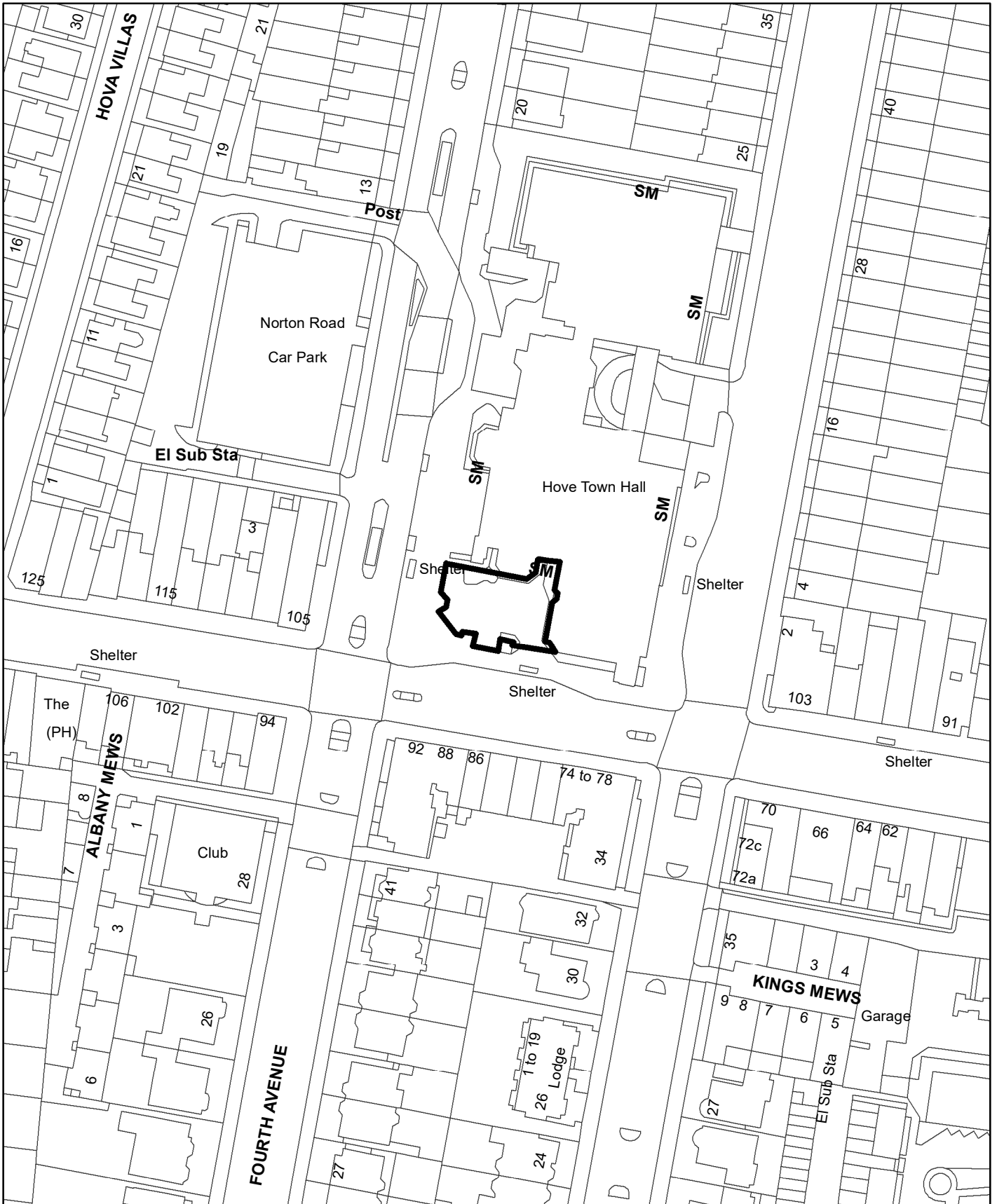
# **ITEM A**

**Hove Town Hall, Church Road  
BH2022/01015  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> July 2022**



# BH2022 01015 - Hove Town Hall, Church Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2022/01015</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Hove Town Hall Ground Floor Front Church Road Hove BN3 4AH</b>		
<b><u>Proposal:</u></b>	<b>Installation of 2no areas of timber decking, with associated planters.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	24.03.2022
<b><u>Con Area:</u></b>	Willett Estate	<b><u>Expiry Date:</u></b>	19.05.2022
<b><u>Listed Building Grade:</u></b>	N/a	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Architecture Of Calm 95 Denton Road Denton Newhaven BN9 0QE		
<b><u>Applicant:</u></b>	M Chisholm Hove Town Hall Ground Floor Front Church Road Hove BN3 2AF		

This application was deferred from the Planning Committee on 8<sup>th</sup> June 2022.

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	0083-EX-001	-	20 May 2022
Proposed Drawing	0083-FE-010	-	20 April 2022
Detail	0083-FE-011	-	24 March 2022
Proposed Drawing	0083-FE-015	-	24 March 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 development shall take place until details of the external timber cladding to be used, including details of its treatment to protect against weathering, has been submitted to and approved in writing by the Local Planning Authority, Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14, HE3, HE6 and HE10 of the Brighton & Hove Local Plan; CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM21, DM26, DM28 and DM29 of the emerging Brighton and Hove City Plan Part Two.

4. No development of the southernmost raised deck hereby permitted shall take place until a schedule detailing sizes and numbers/densities of all proposed plants (including species and sizes, nursery stock type, supplier and defect period) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area; and to comply with policies QD15 of the Brighton & Hove Local Plan; CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One; and DM21 and DM22 of the emerging Brighton and Hove City Plan Part Two.

5. The silver birch tree within the site of the northmost raised deck hereby permitted shall be retained.

**Reason:** In the interest of maintaining the visual amenities and biodiversity of the area, and to comply with policy QD15 of the Brighton & Hove Local Plan, and CP10 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 should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. The applicant is advised to contact [permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) for necessary highway approval from the Highway Authority prior to any works commencing on or adjacent to the adopted highway, and if they wish to suspend parking outside the application site during the delivery and construction period.
4. The application is advised of their duty to ensure that the placement of tables and chairs upon the decking hereby permitted does not limit the accessibility of the development, with particular consideration being given to the requirements of the Equality Act 2010.

## 2. SITE LOCATION

- 2.1. The application site is Hove Town Hall, a large brutalist building on a corner plot, with Norton Road on its west side, Tisbury Road on its east, and Church Road

on its south. It is within the Willett Estate conservation area, with the boundary of The Avenues conservation area just to the south.

### **3. STATEMENT OF SIGNIFICANCE**

- 3.1. This site is on a prominent location at the junction of Church Road and Norton Road, it forms part of the open space surrounding Hove Town Hall, which is locally listed, and is in the Willett Estate Conservation Area. Directly to the West is the grade II listed terrace 105-119 Church Road and opposite that numbers 94-108 are also listed grade II.
- 3.2. The Hove Town Hall is not typical of the building typology of the wider Willett Estate Conservation Area as described by the conservation area character statement; however, its scale and architecture is representative of its status as a 20th century civic building. The application site is part of the open area surrounding the Town Hall. This space is paved, with seating and peripheral planting, and there are 3 substantial dark grey brick planters containing larger single trees on the boundary with the surrounding footway. The Juggler statue sits within the space.

### **4. RELEVANT HISTORY**

- 4.1. **BH2017/02147** Change of use of southern section of ground floor from office (B1) to mixed use office (B1) and café (A3) incorporating creation of mezzanine level. Approved

### **5. APPLICATION DESCRIPTION**

- 5.1. Planning permission is sought to erect two raised deck areas. One of these decks features planters serving as a boundary.
- 5.2. The initial submission has been amended to introduce level (ramped) access to both raised decks. It also included areas for stalls associated with use of the square for social and commercial events. The use of the square for use for such events, and associated temporary erections, are not considered to constitute development therefore have been removed as considerations. The use of the square for events could be managed through Licencing.

### **6. REPRESENTATIONS**

- 6.1. **One (1)** representation has been received, making the following comments on the initial proposal:
  - Only one of the proposed raised decks is accessible. \**\*The initial scheme has been amended so both proposed decks would include ramped access.*

- 6.2. **One (1)** representation has been received, objecting to the proposal on the following grounds:
- Current use of part of Hove Town Hall is unlawful, as Platf9rm have not discharged one pre-commencement condition
  - Loss of public space
  - Loss of public seating\*\*
  - Fire safety, with regards to having timber decking adjacent to the building
- \*\*It should be noted that the proposed development does not result in the loss of any public seating.*
- 6.3. A representation has also been received from **Councillor Wilkinson**, objecting to the scheme; a copy is attached.
- 6.4. **Eighteen (18)** representations have been received, supporting the proposal on the following grounds:
- Improvement to visual amenity
  - The existing space is underused and not attracting people to the area nor supporting commercial activity.
  - The proposed development would encourage use of the square as a community hub.
  - The proposed development would improve the facilities of PLATF9RM.
- 6.5. A representation has also been received from **Peter Kyle MP**, in support of the scheme.

**Conservation Advisory Group:**

- The Group agrees with the Heritage Officer's comments.
- The drawings are poorly presented and conflict with the Design and Access Statement which illustrates the removal of several trees and shrubs, but the proposed block plan shows all trees will remain.
- The existing planting area, located between both the entrance to PLATF9RM, has been omitted from the existing block plan, and from the application. This area is where one of the proposed decking areas is to be constructed.
- The decking and seating detract from the host building.
- The Group regrets the proposed festoon lighting (light pollution).
- The proposals would be harmful to the character of the conservation area.

**7. CONSULTATIONS**

**External:**

- 7.1. **Sussex Police:**  
No Objection

- 7.2. **Heritage:**  
Comments regarding initial submission

The scheme seems to be broadly in line with policy CP13 however the requirement to use high quality, robust and sustainable materials for all elements

of the street scene, along with DM18 requiring consideration of materials and detailing and DM26 requiring the use of materials and finishes that respect the area is not fully addressed, and whilst timber planters are a sustainable material there is concern that they may not be sufficiently robust, and would not follow the pallet of materials that has been established within this space.

7.3. It is noted that the area of existing mature planting on the east side of the square appears to be proposed for removal however the details of how the large shrubs will be incorporated into the scheme is not clear, and their loss would not appear to follow the stated aim to improve greenery within the square.

7.4. It is therefore considered that whilst the proposed use of the space for events is supported in principle, there are some details of the works that are not fully explained and matters of concern that need to be addressed before the heritage team is able to support the application.

7.5. **Transport:**

Comments regarding initial submission

Acceptable in principle, but further information is required regarding level access being provided to the raised decks, and additional cycle parking should be required by condition.

Comments regarding amended submission

7.6. The applicant has provided an updated plan which now shows disabled access on both platforms. This is considered acceptable.

7.7. The applicant has also acknowledged that it is unlikely that the development proposals will result in a significant increase in trips and that there is existing cycle parking provision located near Hove Town Hall. Therefore, this is considered acceptable in this instance.

## 8. MATERIAL CONSIDERATIONS

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

8.2. The development plan is:

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

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

## 9. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development  
CP2 Sustainable Economic Development  
CP9 Sustainable Transport  
CP10 Biodiversity  
CP12 Urban Design  
CP13 Public Streets and Spaces  
CP15 Heritage

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

TR7 Safe Development  
TR14 Cycle access and parking  
QD5 Design - street frontages  
QD14 Extensions and alterations  
QD15 Landscape design  
QD27 Protection of amenity  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of conservation areas  
HE10 Buildings of local interest

#### Brighton & Hove City Plan Part Two

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 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. 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).

DM18 High quality design and places  
DM20 Protection of Amenity  
DM21 Extensions and alterations  
DM22 Landscape Design and Trees  
DM26 Conservation Areas  
DM28 Locally Listed Heritage Assets  
DM29 The Setting of Heritage Assets  
DM33 Safe, Sustainable and Active Travel  
DM36 Parking and Servicing

## 10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents and business-users; on highway safety; and on the significance of heritage assets in the vicinity.

Principle of Development

- 10.2. The proposed development would enhance the existing business at the south end of Hove Town Hall by creating an outside seating area. This would support business growth, which is one of the aims of policy CP2 of the CPP1.

Design and Appearance

- 10.3. The proposed development is considered to be acceptable in principle. Both raised decks would integrate well with the host building and appear as subservient additions. A planning condition would be included with any permission requiring further details on the external timber material and treatment required to help preserve it against weathering.
- 10.4. The loss of the existing plant bed is unfortunate in terms of visual amenity, and it will be necessary to grant permission only subject to a further condition requiring details of the planting proposed with the planters on the larger decking, to ensure these are implemented. This will soften the appearance of the development and mitigate the loss of greenery.

Impact on Heritage Assets

- 10.5. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.6. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 10.7. It is considered that the proposed development would have an acceptable impact on the significance of the locally listed Hove Town Hall. It is noted that timber external materials would not emulate nearby on-street development, such as the tree planting beds built in brickwork, but as subservient, modern additions to the building it is considered that an alternative finish is acceptable in this instance.
- 10.8. Concerns have been raised that timber as a material may not be sufficiently robust. Fragile materials that would be susceptible to excessive weathering and damage would indeed not be suitable in this prominent street front location; it is considered necessary to grant planning permission only subject to a condition

requiring further details of the timber material, including how it would be treated to protect against weathering, be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- 10.9. It is not considered that the raised decks would have any significant impact on the Willett Estate conservation areas; given the Town Hall itself does not accord with the wider character of this area, and the modest scale of the development, it is considered that the significance of this conservation areas would be preserved. Likewise, the setting of The Avenues conservation area, and the nearby listed building to the west, would also be preserved.

Impact on Amenities

- 10.10. It is not considered that the physical presence of the raised deck areas would have the potential to cause harm to the amenities of any person in terms of lost light or privacy.

- 10.11. Concerns have been raised that the proposed development would give rise to noise disturbance for local residents. It is unclear in the Councillor's representation if these concerns relate to the use of the square for events, or the decking itself. As aforementioned, use of the square for events does not constitute development and is not a consideration for this application. With regards to the decking, more intensive use of the site for people working outside may increase the noise output; however, given the site is in the middle of a busy urban area, and separated from the nearest residential units by a busy carriageway, it is not considered the potential noise output is likely to cause harm on a degree that would warrant permission being withheld in this instance. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on the Public Highway

- 10.12. The proposed decks do not extend significantly beyond the bounds of the existing shrub bed, and an acceptable area of footway would be retained between it and an existing tree. The smaller raised deck is in a corner of the square covered in wood chips and not designated footway; there are no concerns with regards to the physical impact of the development on the smooth running of the public highway.

- 10.13. The Highway Authority has requested that additional cycle parking be provided to service the development. Hove Town Hall features several banks of Sheffield stands on Tisbury Road and Norton Road, and BikeShare facilities are also present on the latter. On balance, it is not considered that the proposed decking will cause an increase in trip generation on a scale that justifies requiring additional cycle parking in this instance.

Other Considerations

- 10.14. Concerns have been raised regarding the loss of the shrub bed, which would be replaced by the larger of the two raised decks. Whilst loss of greenery is resisted, it is considered that the shrubs in this case would be replaceable (by attractive planting in planters secured by condition) and that their loss should not make development unacceptable in principle.



- 10.15. A single immature silver birch tree is located where the smaller raised deck is proposed. It has been clarified that this tree is intended to be retained and built around, as part of the development. This is considered acceptable and shall be secured by condition.
- 10.16. The reported 'unlawful' use of part of Hove Town Hall as the business known as PLATF9RM has been forwarded to the Enforcement Team for further investigation. No further action is considered to be required with regards to this planning application. The erection of decking is considered on its own planning merits and the lawful status of PLATF9RM is not a determinative factor.
- 10.17. The proposed development would result in the loss of an insignificant area of public space immediately next to the building; it is not considered that the viability of the square as a public space would be significantly impacted upon.
- 10.18. Fire Safety is not a planning matter, but it is noted that wooden decking is by no means an unusual feature next to buildings. In the event planning permission is granted, the development would be required to be constructed in accordance with Building Regulations.
- 10.19. The proposed development does not include the removal of any public seating. The two areas of decking do not displace any public seating. Although the submitted drawings do erroneously omit one or more items of street furniture, this is not determinative with regards to the erection of the areas of decking.

#### Conclusion

- 10.20. The proposed raised decks are considered to be acceptable in terms of appearance and the impacts it may have on the amenities of local residents. External materials and biodiversity protection/improvements shall be secured by condition. For the foregoing reasons the proposal is considered to be in accordance with policies QD5, QD14, QD15, QD27, HE3, HE6 and HE10 of the Brighton and Hove Local Plan; and CP2, CP9, CP10, CP12, CP13 and CP15 of the City Plan Part One.
- 10.21. It is also considered that the proposal would be in accordance with policies DM20, DM21, DM22, DM26, DM28 and DM29 of the Proposed Submission City Plan Part Two which is gathering weight. Policies DM22, DM26, DM28 and DM29 are considered to have significant weight at this stage and policies DM20 and DM21 are considered to have more weight than the adopted Local Plan policies QD14 and QD27.

## **11. EQUALITIES**

- 11.1. The proposed development includes two raised decks, both of which have been designed to provide level access. An informative has been added reminding the applicant of their duties under the Equalities Act.

## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. Planning conditions are included to ensure the silver birch is retained as part of the development, and that significant planting is established within the planters on the larger deck.



## PLANNING COMMITTEE LIST

### Brighton & Hove COUNCILLOR REPRESENTATION City Council

Cllr. Gary Wilkinson

BH2022/01015 – Hove Town Hall

#### 21<sup>st</sup> April 2022:

As a ward Cllr for Central Hove, I wish to object to the above planning application for the following reasons.

- *Impact on visual amenity*
- *Loss of trees and planting and impact on biodiversity - The existing planting on the east and north side of the square appears to be proposed for removal and this loss does not appear to uphold the aim of improving greenery in the public square*
- *Effect on listed building and conservation area - The site is on a prominent location and forms part of the open public space surrounding Hove Town Hall which is locally listed and sits beside grade II listed buildings in a conservation area.*
- *Impact on Heritage Assets - The application concerns the proposed use of space for events and additional structures. This space is currently available to the general public for enjoyment of.*
- *Layout and density of building*
- *Design, appearance and materials*
- *Landscaping*
- *Disabled persons' access - The proposed design does not appear to provide for disabled persons access.*
- **Noise and disturbance** - The proposed development sits close to residential properties. The public square in its current format cause little noise or disturbance as it is not used for gatherings or events. The recently drafted City Plan Part 2 clearly offers a high degree of protection to residents to protect their peace and harmony.

Should the decision be to grant this planning application under delegated powers, I wish this planning applications go to the planning committee and reserve my right to speak.





## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Peter Kyle MP**

**BH2022/01015 – Hove Town Hall**

#### **13<sup>th</sup> May 2022:**

I have been working in conjunction with Platform9 on this exciting regeneration project. As you know, my office is adjacent to this woeful space and I'm sure you agree as you must walk through the current dead space every day, that it is in great need of some work and much improvement.

It is currently a cold, unwelcoming space that actually wastes a key position of the area. I have spoken to local businesses and residents and there is great support for breathing life into it and making it look a welcoming and fresh, exciting, green space.

Platform9 have been excellent at communicating the plans to me and I believe that the design, appearance and landscaping will not just be a huge improvement for locals, tourists and the workers in the Town Hall, but that it will become a space which raises the tone of the whole area and contributes to plans included in the Station Neighbourhood Plan, for example.



# **ITEM B**

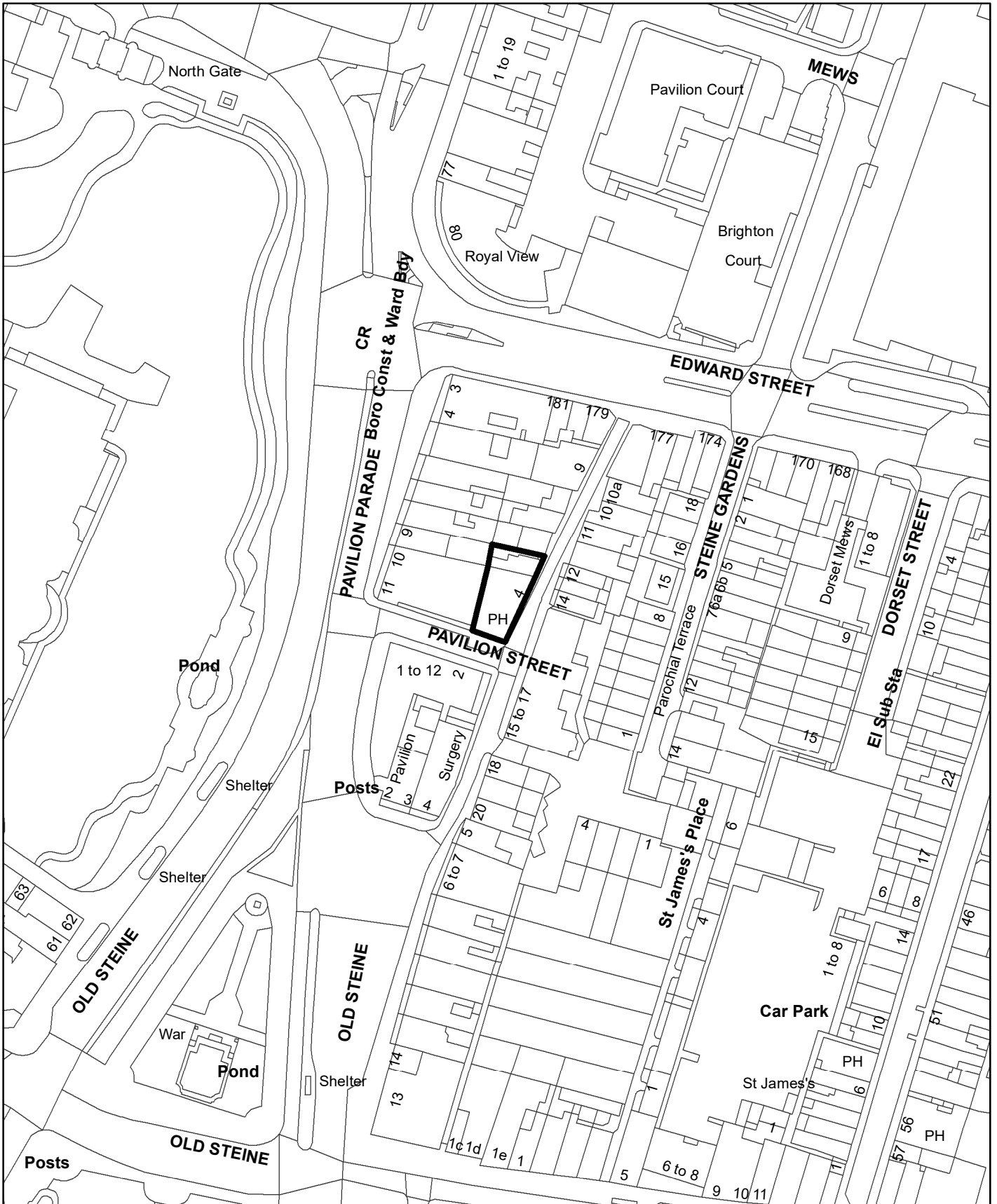
**4 Prince's Street  
BH2022/00632  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> July 2022**





# BH2022 00632 - 4 Prince's Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/00632</b>	<b><u>Ward:</u></b>	<b>Queen's Park</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>4 Prince's Street Brighton BN2 1RD</b>		
<b><u>Proposal:</u></b>	<b>Formation of beer garden to replace existing WC block and garage, incorporating blocking up of garage entrance and associated works.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	14.03.2022
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	09.05.2022
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Paul Joyce Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Peter Bennett Laine Pub Company C/o Lewis And Co Planning SE Ltd		

This application was deferred from Planning Committee on the 8<sup>th</sup> June.

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan			6 April 2022
Proposed Drawing	02.A		21 June 2022
Proposed Drawing	326	C3	13 December 2021

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

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

3. The external finishes of the development hereby permitted shall match in material, colour and style those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development, to protect heritage assets and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21 and DM26 of the Brighton & Hove Proposed Submission City Plan Part Two.

4. The beer garden hereby approved shall not be in use from 22:00 until 12:00 the following day from Monday to Sunday, including Public and Bank Holidays. The rear access doorway to the beer garden from Princes Street shall remain closed and only be opened for the purpose of removing refuse from the facilities and for emergency access.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan and DM20 and DM40 of the Brighton & Hove Proposed Submission City Plan Part Two.

5. No live or amplified music shall be played or otherwise generated in the beer garden at any time.

**Reason:** To safeguard the amenities of the locality and to comply with Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan and DM20 and DM40 of the Brighton & Hove Proposed Submission 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 reminded of their duties under the Equalities Act 2010 in terms of accessibility to the beer garden.

## **2. SITE LOCATION**

- 2.1. The application relates to a four storey property located on the western side of Prince's Street, on the corner with Pavilion Street. The ground floor is currently in use as a public house known as the Actors (Sui Generis use) with a theatre (Sui Generis) above. Currently a garage, store room and toilets are located towards the northern side of the site along with a fire escape which provides access from the theatre to Prince's Street via a doorway within the existing east-facing wall. The public house is amongst a mix of leisure and entertainment premises, including theatres, restaurants, museums and public houses.
- 2.2. The site is located within the East Cliff Conservation Area and adjacent to the Valley Garden Conservation Area. The site is also located within the setting of the Grade II listed buildings at 10 - 11 Pavilion Parade and The Old Court House (15 - 17 Prince's Street). Additionally, it is within an Archaeological Notification Area, an Air Quality Management Area (AQMA) and Controlled Parking Zone (CPZ) C.

## **3. RELEVANT HISTORY**

- 3.1. **BH2013/02540:** Formation of beer garden to replace existing garage incorporating blocking up of garage entrance, relocation of toilets and associated works. Approved 17 October 2013 - decision made by Planning Committee
- 3.2. **BH2003/03592/CL:** Certificate of lawfulness for an existing use to continue to use the property as Public House, Theatre and Hotel. Refused 19 December 2003
- 3.3. **BH1999/00003/FP:** Alterations to existing external fire escape. Approved 1 March 1999

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

- 4.1. The current application seeks the formation of a beer garden to replace an existing WC block and flat-roofed garage to the north of the main building, incorporating the blocking up of the garage entrance to the eastern boundary and the widening of a gated opening.
- 4.2. A change has been made during the course of the application so that the widened gate would open inwards rather than onto the highway.

#### **5. REPRESENTATIONS**

- 5.1. **Five (5) objections** were received during the consultation period, all from persons who are considered to be potentially directly affected by the scheme. The objections raised the following issues raising the following concerns:
  - Noise and disturbance at antisocial hours from customers, and also from glass disposal and collection.
  - The extra garbage and waste created could cause an eyesore and block the pavement.
  - The blank wall would be out of character for a residential area.
  - What is proposed has previously occurred.
  - Light spill
  - Invasion of privacy and loss of peaceful enjoyment.
  - This application is in direct opposition to Articles 1 and 8 of the Human Rights Act 1998.
  - Unsuitable for an area surrounded by residential properties.
  - Inappropriate size and capacity of the beer garden.
  - Easy access to the base of the fire escape in the garden could be a temptation to patrons.
  - There won't be a direct view from the bar into the beer garden and so staff will not know how raucous their patrons are being, and CCTV does not provide sound.
  - The existing garage provides a valuable enclosed space which helps the pub function in a neighbourly way.

- 5.2. **One (1)** representation was received in support, noting that the recent changes to the pub have already improved the area and that this application continues to do the same.

## 6. CONSULTATIONS

### External:

- 6.1. **Brighton and Hove Archaeological Society:** Recommendation to contact the County Archaeologist for their recommendations
- 6.2. **Designing Out Crime Officer (Sussex Police):** No objection, subject to a condition on hours of trading in order to protect the amenity of nearby residential occupiers at unsocial hours

### Internal:

- 6.3. **Environmental Health:** No comments received
- 6.4. **Heritage:** Approve
- 6.5. **Tourism & Leisure Department:** Support
- 6.6. **Transport:** Acceptable, subject to the gate opening inwards

## 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.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

## 8. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

CP15 Heritage

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

TR7 Safe Development

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD5 Design - street frontages

QD14 Extensions and alterations

QD27 Protection of amenity

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

#### 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).

DM10 - Public Houses

DM18 - High quality design and places

DM20 - Protection of Amenity

DM21 - Extensions and alterations

DM26 - Conservation Areas

DM29 - The Setting of Heritage Assets

DM33 - Safe, Sustainable and Active Travel

DM40 - Protection of the Environment and Health – Pollution and Nuisance

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the impact of the design on the host property, streetscene, designated heritage assets and on the amenities of neighbouring properties as well as the highways implications.

#### **Principle of Development:**

- 9.2. Weight must be given to the fact that planning permission has previously been given for a very similar development, albeit in 2013 (ref. BH2013/02540), with the present application proposing a slightly larger beer garden and an extra

table. Since that decision, City Plan Part 2 (CPP2) has progressed, with Policy DM10: Public Houses (which can be given significant weight) to protect pubs, highlighting the 'important contribution' they make to the character and vitality of communities.

- 9.3. The retention and enhancement of the existing pub use is therefore given weight, along with the previous planning permission for the pub garden area.
- 9.4. It is also noted that the Council's Tourism & Leisure Department considers that the proposal enhances the night time economy facility, consistent with their development and augmentation to continue the success of this economy.

**Design and Heritage:**

- 9.5. In considering whether to grant planning permission for development which affects the setting of a listed building, the Council has a statutory duty to have special regard to the desirability of preserving its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.6. Case law has held that the desirability of preserving the setting of a listed building or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "*considerable importance and weight*".
- 9.7. The east-facing elevation of the rear part of the site would be altered by the removal of the existing garage door and would be infilled with blue painted rendered blockwork to match the existing side wall.
- 9.8. The location of the existing doorway in the eastern boundary would also be retained as part of this proposal, although it would be widened slightly in order to allow for the collection of bins. These are to be stored to the west side of the rear part of the site and whilst it is not ideal for them to be taken up two steps on collection day, this is an existing situation. Following amendments, the doorway would open inwards and, once altered, would be sufficiently wide to allow bins to be emptied from Prince's Street. The new door to the widened opening would be of the same style and type as the existing and would be painted blue to match the rendered wall.
- 9.9. Subject to compliance with a condition to ensure the external finishes match the material, colour and style of the existing, it is considered that the proposal would have an acceptable impact upon the visual amenities of the subject property, the Prince's Street streetscene and the wider East Cliff and Valley Gardens Conservation Areas. The proposal is not considered to materially affect the setting of the nearby listed buildings.

**Impact on Neighbouring Amenity:**



- 9.10. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 187 highlights the need to protect pubs and other venues, albeit from new development, noting that *“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.”*
- 9.11. A number of residential properties are located within the vicinity of the site on Prince’s Street, Pavilion Street and Pavilion Parade. The rear part of the site, in which the beer garden would be located, adjoins 6 Prince’s Street (a residential property) to the north and 9 Pavilion Parade (a commercial property) to the west. No windows relating to the former are located within its southern elevation, but there are windows to its rear (eastern) elevation and the rear external amenity areas to both properties would directly adjoin the proposed beer garden.
- 9.12. No hours of opening are given in the application form, but for the public house they are 12:00–00:00 Sunday to Thursday and 12:00–01:00 on Fridays and Saturdays. The former presumably includes Public and Bank Holidays. Whilst it would be unreasonable to limit the existing hours of the public house when the application relates solely to a beer garden, it is important to control the opening hours of this space given its location and close proximity to neighbouring residential properties, and the need to not unreasonably disturb their amenity and sleep. It is therefore considered necessary to condition its usage to 12:00–22:00 Monday to Sunday including Public and Bank Holidays. The condition will also ensure that the rear access to the beer garden remains closed other than for emergency access or moving the bins.
- 9.13. It is also considered necessary to attach a condition prohibiting the playing or generation of live or amplified music within the beer garden at any time. This is also to protect the amenities of neighbouring properties.
- 9.14. Objections from local residents have raised multiple issues on the grounds of residential amenity, but noise and disturbance at antisocial hours from customers and glass disposal and collection either currently occurs or has the potential to occur and are not likely to be worsened were the current application to be approved and implemented. It is acknowledged that extra waste may be generated by an increased capacity, but not a significant amount, and the additional impact is not considered to be unacceptable. Matters of its storage and collection fall under separate legislation and Council departments.
- 9.15. It should be noted that Sussex Police’s Designing Out Crime Officer has reviewed this application and has not raised any concerns about the design and layout of the proposal, or anti-social behaviour resulting from it. Her concerns have been addressed by the opening hours condition.

- 9.16. The proposed beer garden would be surrounded by four high walls and therefore views are limited upwards from within it. As such, no views could be had into neighbouring windows or external amenity areas.
- 9.17. It is noted that string lighting with festoon bulbs is proposed to be hung externally over the proposed beer garden. It is recognised that these would be visible from neighbouring properties, as evidenced in photos submitted, but given their relatively low brightness (modern LED bulbs are very efficient and therefore the brightness emitted is much lower) and purpose as mood lighting, these would not cause an adverse impact or a significant amount of light spill.
- 9.18. Subject to the aforementioned conditions being added, it is considered that the proposed beer garden would not be unsuitable for this area and there would not be a need to further control its size or capacity than that shown.

**Impact on Highways:**

- 9.19. As previously stated, the doorway within the widened opening would now open inwards to avoid causing an obstruction to the public highway or striking pedestrians, which is supported.
- 9.20. The loss of the garage has previously been found to be acceptable and, whilst it has been re-built since then, no objections are raised to its demolition, particularly since it does not benefit from having a vehicle crossover and the visibility for any vehicles entering and existing is poor.
- 9.21. The proposal is considered unlikely to generate a material uplift in trips, many of which would be linked to other amenities in the area.

**10. CONCLUSIONS**

- 10.1. It is considered that, subject to the compliance with the attached conditions, the proposed development would not be of detriment to the visual amenities of the subject property, the Prince's Street streetscene and the wider East Cliff and Valley Gardens Conservation Areas, or to the setting of the nearby listed buildings and the amenities of neighbouring properties. Further, the benefit of the scheme to retaining and enhancing the use of the site as a public house, and the contribution it makes to the community must be given weight. Therefore, the proposal would be compliant with Policies CP12 and CP15 of the City Plan Part One, TR7, SU9, SU10, QD5, QD14, QD27, HE3 and HE6 of the Local Plan and DM10, DM18, DM20, DM21, DM26, DM29, DM33 and DM40 of the emerging City Plan Part Two. As such, this application is recommended for approval.

**11. EQUALITIES**

- 11.1. Internal door widths and a stepped access restrict access to the beer garden from within the pub. However, a widened gate access in the side fencing would

allow wheelchair access to the proposed beer garden. The gate provides level access from the pavement to the beer garden.

## **12. CLIMATE CHANGE / BIODIVERSITY**

- 12.1. The site has good links to local amenities and is well served by public transport. The works would make better use of land to the rear of the existing building.



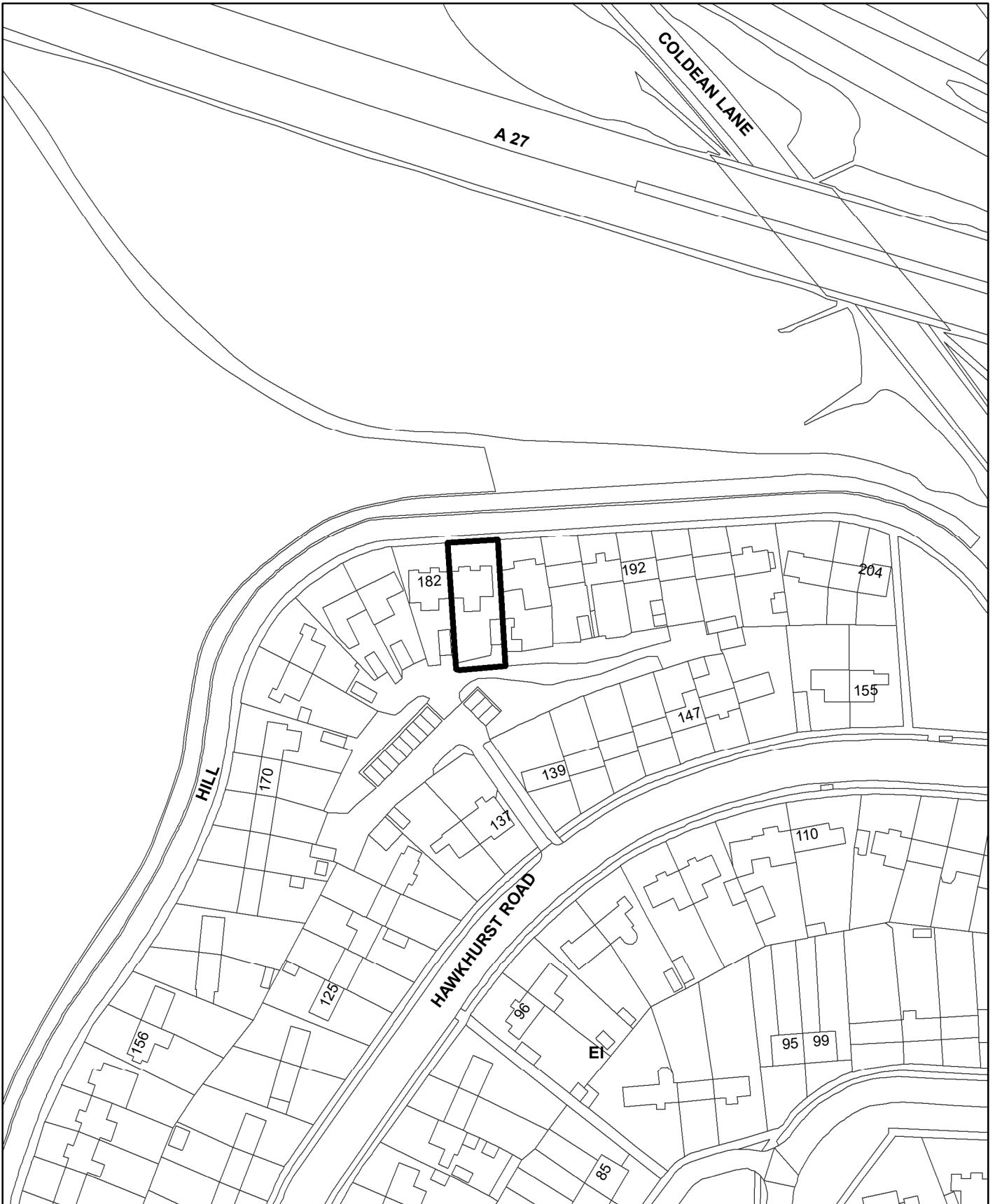
# **ITEM C**

**184 Saunders Hill  
BH2021/02656  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> July 2022**



BH2021 02656 - 184 Saunders Hill



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2021/02656</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>184 Saunders Hill Brighton BN1 9ES</b>		
<b><u>Proposal:</u></b>	<b>Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom, seven person house in multiple occupation (Sui Generis), incorporating erection of new single storey rear extension and roof alterations incorporating rear dormer.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	23.08.2021
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	18.10.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	18.11.2021
<b><u>Agent:</u></b>	Drysdale Architects 2 Oldbury Row Brighton BN1 7GY		
<b><u>Applicant:</u></b>	Anindita Sengupta 40 Bank Street Canary Warf London E14 5NR		

This application was deferred from Planning Committee on the 8<sup>th</sup> June.

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	BTN.21.119.00		19 July 2021
Block Plan	BTN.21.119.002	A	12 November 2021
Proposed Drawing	BTN.21.119.110	B	16 March 2022
Proposed Drawing	BTN.21.119.100	B	13 April 2022
Proposed Drawing	BTN.21.119.120	C	16 May 2022
Proposed Drawing	BTN.21.119.300	C	16 May 2022

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

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

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

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

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of

the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM21 of the emerging City Plan Part Two.

4. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One, DM37 of the emerging City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.
5. The seven-bedroom large HMO (sui generis) hereby approved shall only be occupied by a maximum of seven (7) persons.  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan and DM7 and DM20 of the emerging City Plan Part Two.
6. The seven-bedroom large HMO use hereby approved shall be implemented in strict accordance with the proposed layout detailed on the proposed floor plan, received on 16th March 2022 and 13th April 2022 and shall be retained as such thereafter. The layout of the kitchen and living room shall be retained as communal space at all times and shall not be used as bedrooms. In addition, the box room shall be retained as additional communal space and not be used as a bedroom owing to the small size of the room.  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan and DM7 and DM20 of the emerging City Plan Part Two.
7. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, CP9 of the City Plan Part One, DM33 and DM36 of the emerging City Plan Part Two and SPD14: Parking Standards.
8. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on

this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## **2. SITE LOCATION**

- 2.1. The application site is a two storey semi-detached property located on the southern side of Saunders Hill at the northern edge of Coldean, with the A27 some 85m north beyond woodland on a steep slope.
- 2.2. The house is brick built with a tiled roof and uPVC fenestration, and has a conservatory to the rear. The application site is not a listed building, nor is it sited within a conservation area.
- 2.3. The whole city is covered by an Article 4 Direction to remove permitted development rights for the change of use from a single dwellinghouse (C3) to small HMO (C4). However, as this property is within the Hollingdean and Stanmer ward, this area has been subject to this restriction since April 2013.

## **3. RELEVANT HISTORY**

- 3.1. **BH2014/01579** - Change of use from residential dwelling (C3) to a six bedroom small house in multiple occupation (C4). Approved 17.07.2014

## **4. APPLICATION DESCRIPTION**

- 4.1. This application seeks planning permission for the change of use of 184 Saunders Hill from a small house in multiple occupation (HMO)(planning use class C4) to a large HMO with seven bedrooms (planning use sui generis), an increase of one bedroom and one occupant over the existing situation. A single storey rear extension is also sought to replace an existing conservatory, along with a rear dormer.
- 4.2. The application has been amended since submission to reduce the number of bedrooms from eleven down to seven, and to eliminate a proposed outbuilding in the garden which would have contained residential accommodation. The replacement of the rear conservatory with a larger extension is now proposed. Revisions have also been made to the proposed rear dormer.

## **5. REPRESENTATIONS**

Plans as submitted:

5.1. **Twenty-Five (25) letters** have been received objecting to the proposed development for the following reasons:

- Overdevelopment considering that as-built these are 2/3 bedroom houses
- Increased waste, impact on sewage systems, and vermin
- Additional traffic and parking stress
- Detrimental effect on property value
- Potential for increased comings and goings, noise and anti-social behaviour
- Outbuildings are out of character
- Unsuitable for a street of family homes
- Poor living spaces for future occupiers
- Creates untidiness
- Loss of community spirit
- Overshadowing
- Poor design
- House is poorly cared for as a small HMO
- Pond and fruit trees should not be removed
- Harm to mental health and wellbeing of local residents
- Long term this will harm demand for local services (e.g. schools, doctors)
- Too many people for one dwelling
- Impact on residential amenity
- Harm to the garden estate of Coldean
- Inappropriate height/scale
- Restriction of view
- Neighbours will be left with no sunlight
- Guests of future residents would cause further harm
- Use of rear access will create more noise
- Students should be using the new developments on Lewes Road.
- Family housing should be preserved in Coldean
- Adds to overpopulation of the area.
- Too close to boundary
- Creates cramped conditions
- Increase in surface water runoff
- Significant reduction in available amenity space.
- Damaging precedent for other HMOs to be overdeveloped.
- Does not reflect CP14 of City Plan Part One.

5.2. **Councillor Osborne** has objected to the application. A copy of their representation is attached to the report.

5.3. **Councillor John** has objected to the application. A copy of their representation is attached to the report.

Consultation on amended proposals:

5.4. **One (1) letter** was received objecting to the proposed development for the following reasons:

- Additional traffic
- Good design
- Overdevelopment

- Residential amenity
- Traffic or highways
- Standard of accommodation is poor, and most rooms cannot fit furniture and be functional.
- Proposed kitchen space is not big enough for seven persons

5.5. **Coldean Neighbourhood Forum** have objected to the proposals for the following reasons:

- Loss of family homes to HMOs is a concern locally.
- Area is over-burdened by student accommodation
- Impact on Coldean Primary School
- Completion of purpose built student accommodation has reduced demand for HMOs.
- In Coldean existing HMOs have been vacant since September 2021.

## 6. CONSULTATIONS

### 6.1. **Private Sector Housing: Comment**

Should the application be approved then the applicant would need to contact the Private Sector Housing Team and make an application to vary the existing HMO licence.

### 6.2. **Sustainable Transport - Verbal Comment: No objection**

Cycle storage would use an existing building. The access to the cycle parking is not ideal (stepped from street and mud track to rear), however this provision is accepted as the site is constrained to provide an alternative. It is noted that the spacing of the stand is not in accordance with the Manual for Streets (should be 0.055m from wall) but given the constraints of the outbuilding this is difficult to achieve without making accessing the standards difficult. The cycle parking is therefore accepted on balance based on the specific circumstances of this site.

6.3. The change of use and increase in occupancy would result in a slight increase in trips and parking demand but this is not expected to be so significant as to warrant refusal on this basis. It is noted that the existing parking space to the rear is retained.

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);

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

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

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing Delivery

CP9 Sustainable transport

CP12 Urban Design

CP21 Student housing and Housing in Multiple Occupation

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

TR14 Cycle access and parking

SU10 Noise Nuisance

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

#### Brighton & Hove City Plan Part Two

Policies in 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

DM7 Houses in Multiple Occupation (HMOs)

DM20 Protection of Amenity

DM33 Safe, Sustainable and Active Travel

DM36 Parking and Servicing

DM40 Protection of the Environment and Health - Pollution and Nuisance

#### Supplementary Planning Documents:

SPD12 Design guidance for extensions and alterations

SPD14 Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed change of use, the design and appearance of the extension and alterations, the standard of accommodation provided for future occupiers, the impact of the development on neighbouring amenity and transport matters.

**Principle of Proposed Change of Use:**

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:  
*"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*  
*- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 9.3. A mapping exercise has been undertaken (April 2022) which indicates that there are 16 properties within a 50m radius of the application property, none of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 0%. It is noted that as existing the property is a small HMO however the application site is excluded from these calculations.
- 9.4. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a seven-bedroom large HMO (sui generis) would not conflict with the aims of policy CP21.

**Design and Appearance:**

- 9.5. As submitted, the application sought to convert the existing rear garage to a residential space and build a further outbuilding with accommodation, but both were removed from the application following concerns raised about the loss of garden and impact on visual amenity.
- 9.6. The proposed extension would be to the rear of the property so would have no impact on the streetscene, particularly as it would be single storey in height and would replace an existing conservatory. The proposed materials would match those within the existing property (white upvc and brick with a flat roof covering). would have a larger footprint than the conservatory but would sit within the existing paved area adjacent to the original dwellinghouse. There would also be a new window to the east elevation serving bedroom 2. This is on the ground floor and this change would not be readily visible from the road or neighbouring properties. The window would be white upvc to match existing windows within the property.
- 9.7. In terms of the proposed dormer and roof alterations, the design initially proposed has been amended to address concerns about the size of the dormer

and the extension of the existing ridge to allow the dormer. The revised smaller dormer comfortably sits within the existing roof profile and is set down from the ridge and up from the eaves. The materials for the dormer would be face and cheeks tiled to match the existing and white upvc fenestration.

- 9.8. The amended proposed extensions and alterations are considered suitable additions to the property that would not significantly harm the character and appearance of the property or the wider surrounding area. The proposal would be in accordance with emerging policy DM21 of the City Plan Part Two (which can be afforded more weight than local Plan policy QD14) and CP12 of the City Plan Part One.

**Standard of Accommodation:**

- 9.9. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight. Additionally, the proposals are considered against policy DM7 which sets the standard for HMOs (including what is expected of communal areas), this emerging policy can also be given significant weight.
- 9.10. As existing the property is a small HMO with six bedrooms and occupiers, with one of the existing bedrooms being below the NDSS minimum of 7.5sqm. In terms of the existing communal space this is currently arranged as dining room, kitchen, living room and conservatory.
- 9.11. The proposed layout would utilise the additional floor area created from the rear extension and allow for a combined living/kitchen and dining space with a combined floor area of approximately 29sqm, there would also be access to the rear garden through the communal area. This is sufficient space for occupants to cook and dine together as well as providing space for lounging.
- 9.12. In term of bedrooms, the existing bedrooms have largely been revised to accommodate the higher occupancy and layout. The bedrooms would all be single occupancy and range from 7.5sqm to 13.8sqm. Each of the rooms would allow for a comfortable layout of furniture (bed, desk, wardrobe, chair) and leave circulation space.
- 9.13. Bedrooms and communal space would have sufficient access to natural light, outlook and ventilation from existing and proposed windows. Owing to the proposed extension above, the existing window overlooking the garden from the rear bedroom would be removed, so the existing side opening to bedroom 2 would be altered and enlarged to provide sufficient outlook, ventilation and light to this bedroom.
- 9.14. As existing for the six bedroom layout, the property has two ensuites, a separate WC and a bathroom (with no WC). The proposed provision of bath/shower rooms would see an overall reduction in toilets by one, however there will be no



ensuites so the shower room and bathroom proposed would be accessible by all seven future occupiers. It is considered that adequate access to toilet and washing facilities is maintained.

- 9.15. To ensure that the property is not overcrowded in the future, conditions are recommended to secure a maximum occupation of seven persons and seven bedrooms with communal areas safeguarded from future conversions to bedrooms without further approval.
- 9.16. To the rear of the property is a garden which, even allowing for the rear extension, will leave a reasonable sized garden for the proposed level of occupation, in accordance with policy HO5 and emerging policy DM1 of the City Plan Part Two.
- 9.17. Overall, it is considered that the conversion of the property to a small HMO would provide a suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with to policy QD27 and HO5 of the Brighton and Hove Local Plan and emerging polices DM1 and DM7 of the City Plan Part Two which can be afforded significant weight.

**Impact on Amenity:**

- 9.18. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given 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.
- 9.19. As noted above, the application has been amended to reduce the level of built form and also the number of proposed occupants to ensure that the proposal would not significantly impact on neighbouring amenity in respect of noise and disturbance.
- 9.20. As a result, the revised proposals only seek an increase of one person. The additional person will lead to more comings and goings; however, a further person is unlikely to generate significant cumulative harm given the low density of HMOs in the surrounding area.
- 9.21. It is acknowledged that public comments on this application have concerns about the existing HMO and the potential for increased antisocial behaviour from the proposal. In some cases, such potential noise and disturbance can be described as "functions of the way particular residents behave rather than being inherently dependant on the status of the property as a dwellinghouse or HMO", as noted by an Inspector in a previous appeal decision (APP/Q1445/W/20/3254632 relating to application BH2019/01490 at 64 Islingword Road). Therefore, it would be unreasonable to refuse this development on the assumption that future residents would behave in a problematic manner.

- 9.22. Furthermore, it is noted that an HMO of this size would require a variation of the current licence by the Council's Private Sector Housing team and thus be required to comply with management standards amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this were required in the future.
- 9.23. The proposed rear extension be approximately 2.8m in height (including parapet), 3m deep and 6.7m in width. It would not sit closer to 182 Saunders Hill than the existing conservatory and it would be set in sufficiently from the boundary with 186 Saunders Hill to minimise any loss of light or outlook, particularly given that it is single storey in height.
- 9.24. There would be new windows in the south and east elevations and new doors in the western elevation of the extension. It is not considered that the new windows will lead to increased overlooking for neighbours. With the exception of the loft extension, the new windows are at ground floor and for the east elevation there is a fence protecting no. 186, and the southern windows replace a conservatory so there is no 'new' overlooking. The effect of the new loft window is not considered significantly harmful in terms of overlooking or loss of privacy.
- 9.25. Accordingly, the proposed use of the property as a large HMO for seven persons is not detrimental to neighbouring amenity or the amenity of the area and in an area with a low concentration of HMOs. Therefore, the proposal is considered in accordance with polices CP21 of the City Plan Part One, QD27 of the Local Plan and emerging polices DM7 and DM20 of the City Plan Part Two.

**Sustainable Transport:**

- 9.26. The application site is within the Coldean neighbourhood which has bus links to the centre of Brighton and towards Hollingbury (5B and 24 routes). These bus routes would link with train stations and other bus services throughout the city.
- 9.27. The provision of cycle parking within the garage would restrict parking of some cars within the garage but there is a space adjacent to the garage that would remain. This would be accessed from Hawkhurst Road to the rear.
- 9.28. There is a potential net loss of a car parking space, but this would be in accordance with standards set out in SPD14. The transport Officer has also noted that it would be possible to park on street and that overspill parking would not be a reason to refuse the application. The site lies within one of the city's match day parking zones so while it is within a CPZ this only operates on match days and events days at the AMEX Stadium. The area is not considered to be under significant parking stress at other times.
- 9.29. The application submission includes dedicated cycle parking the garage which would provide cycle parking for up to 8 cycles through the provision of four Sheffield stands. The transport officer has raised concerns about the spacing being slightly too close to the wall of the garage, however, to move the cycle parking forward would prevent the door from being opened easily, especially with a cycle, on balance the cycle parking is supported. The transport officer has

requested that the implementation of the cycle parking arrangement shown should be secured by condition.

- 9.30. The plans also include the provision of refuse and recycling storage within the property boundary, a condition will be added to secure this to prevent bins being stored on the public highway (other than on collection days) and causing an obstruction.
- 9.31. Accordingly, the development, subject to the recommended cycle parking conditions, the development is considered acceptable in relation to transport matters.

**Biodiversity:**

- 9.32. The Council has been seeking to improve ecological outcomes within the city by securing minor amendments to approved schemes to increase biodiversity contributions. Therefore, a condition is recommended to be added to require a bee brick to be incorporated into the build and improve biodiversity outcomes in line with policy CP10 Biodiversity and SPD11 Nature Conservation and Development.

**Conclusion:**

- 9.33. This is a site where there are not more than 10% of residential properties within a 50m radius in HMO use, thereby complying with policy CP21 which supports mixed communities. The proposed standard of accommodation for six occupiers is considered acceptable, and the likely impact on neighbouring amenity would not be sufficiently harmful to warrant refusal. No significant transport concerns have been identified and cycle parking is provided.
- 9.34. Accordingly, the application is recommended for approval, subject to conditions restricting any of the communal area being lost to bedrooms; the overall number of occupiers to seven, a bee brick being added to the extension and cycle parking provided prior to occupation.

- 10. EQUALITIES**  
None identified

- 11. CLIMATE CHANGE & BIODIVERSITY:**
- The development would provide cycle parking.
  - A bee brick would be secured by condition.





## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Cllr. Martin Osborne**  
**BH2021/02656 – 184 Saunders Hill**

#### **14<sup>th</sup> September 2021:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Residential Amenity

Comment: Unfortunately, I can't support this application for several reasons.

Firstly, it is building on top of the grassed area at the back of the house. This is a really nice area which residents can enjoy but by building over this you will have a knock on effect on the amenity and enjoyment of residents in the house. I would imagine that should residents want to sit outside, they would transfer to other areas, perhaps the front which may be more detrimental to the wider area. Also, the plans are looking to extend to the limits of the ownership by removing the dense foliage/self-seeded invasive species area, including a few trees, at the back of the house, both detrimental to biodiversity and further building outwards.

Secondly, the layout changes on the ground floor are removing living space for the residents, with the application moving the kitchen into a new open plan living room, the dining room becoming another bedroom and table/chairs there moving into the conservatory, with a small WC/shower room added at the front. This is all to squeeze in an extra bedroom at the cost of the amenity of the tenant's living there.

Finally, the loft and garage conversions are further examples of overdevelopment. These are spaces which are currently not used for living in and although conversions can be nice places to live if done well, the proposed loft conversion wouldn't be the nicest place to sleep/work given the dimensions and the heat this room would be exposed to nearly all day. The garage conversion would provide a better standard of accommodation and more acceptable but would still need to access the main house, increasing comings and goings between the house and this outbuilding.

Overall, this application is extreme overdevelopment and I'd like to see it refused. The affect of increasing from 6 to 11 bedrooms will be detrimental for those living there and for the wider area.

Please could this application be brought to planning committee to be determined by councillors.





## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Cllr. Zoe John**

**BH2021/02656 – 184 Saunders Hill**

#### **15<sup>th</sup> November 2021:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Residential Amenity

Comment: I am not able to support this application.

This proposal would contribute to overdevelopment and significantly impact on current resident amenities.

The extra building is situated in the garden, losing valuable outside space for current residents and possibly having a knock-on effect to neighbours, by moving outside socialising to the front of the house and removing some trees that might cause noise reduction.

Current living space afforded to residents is reduced, and development into the garage may increase bedrooms, but the resident/s there would still need to access the main house.

In addition to this, there could be a number of extra cars, noise, waste and other impacts on amenities if the development were to go through.

This application should go in front of councillors so it can be further scrutinised





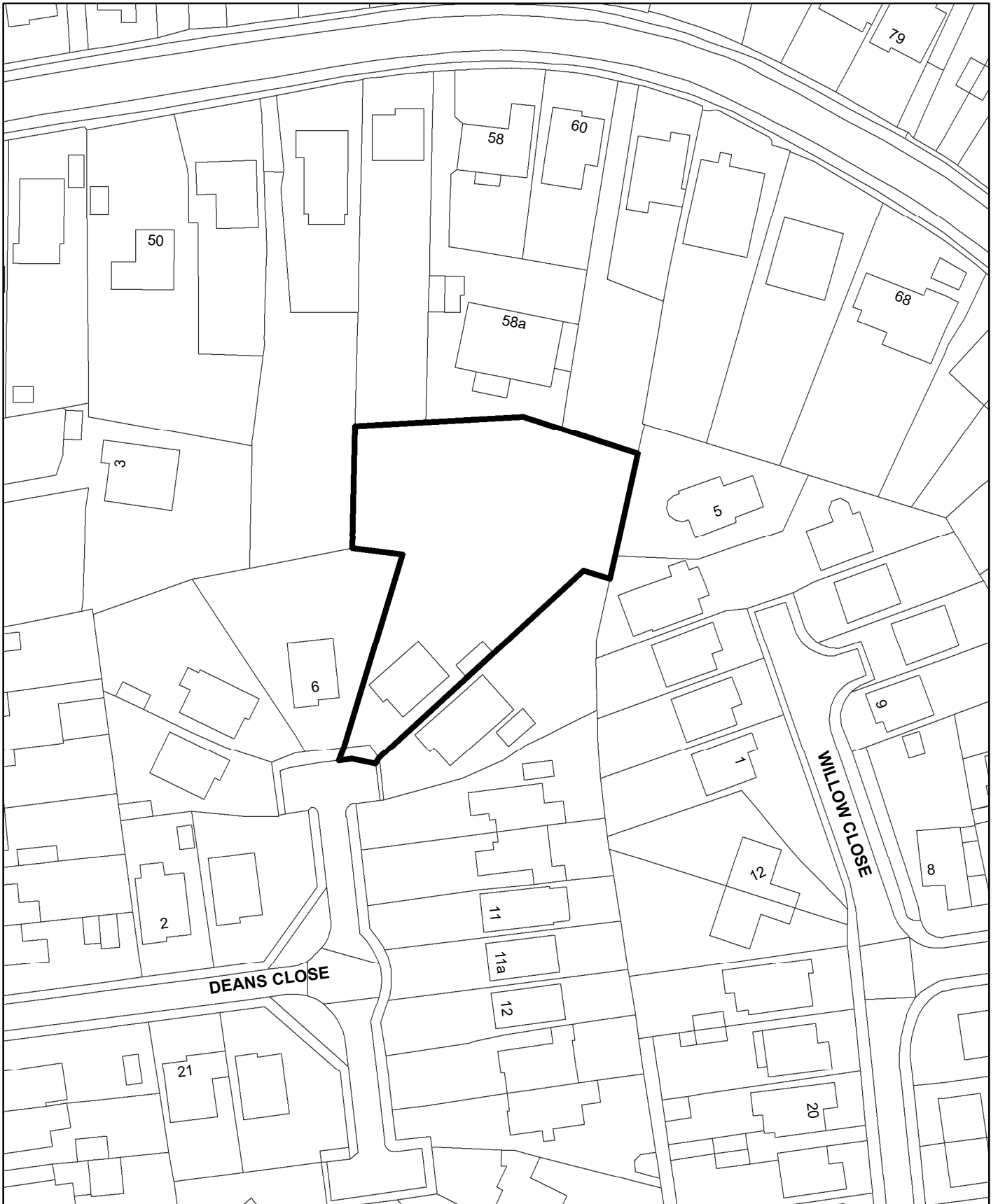
# **ITEM D**

**7 Deans Close  
BH2021/03806  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> July 2022**



# BH2021 03806 - 7 Deans Close



N



**Scale: 1:913**



<b><u>No:</u></b>	<b>BH2021/03806</b>	<b><u>Ward:</u></b>	<b>Woodingdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>7 Deans Close Brighton BN2 6RN</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwellinghouse and erection of 4no. two storey, 3no. bed dwellinghouses (C3), with associated works.</b>		
<b><u>Officer:</u></b>	Sonia Gillam, tel: 292265	<b><u>Valid Date:</u></b>	12.11.2021
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	07.01.2022
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	13.07.2022
<b><u>Agent:</u></b>	JDRM Architects Studio 8 Beaconsfield Studios 25 Ditchling Rise Brighton BN1 4QL		
<b><u>Applicant:</u></b>	Karen Kutter 20 Connaught Terrace Hove BN3 3YW		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	2179(11)010	K	10 May 2022
Proposed Drawing	2179(21)000	C	13 April 2022
Proposed Drawing	2179(21)001	C	13 April 2022
Proposed Drawing	2179(21)002	C	13 April 2022
Proposed Drawing	2179(31)000	D	13 April 2022
Proposed Drawing	2179(31)001	C	13 April 2022
Report/Statement	Preliminary Ecological Assessment	Phlorum 10623	23 March 2022
Report/Statement	Biodiversity Net Gain	Phlorum 10623	13 April 2022
Arboricultural Report	Method Statement	Phlorum 10623	12 November 2021

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

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

3. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the 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 amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14, HE6 and QD27 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One, and DM20, DM21 of the Submission City Plan Part Two.
4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM21 of the emerging Brighton & Hove City Plan Part Two.
5. 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.
6. At least one bee brick per dwelling shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
7. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan, CP12 of the Brighton & Hove City Plan Part

One, and DM18, DM20 and DM21 of the emerging Brighton & Hove City Plan Part Two.

8. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
9. 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 received on the 12 November 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 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
10. 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 habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.
11. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

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

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

**Reason:** To ensure a satisfactory appearance to the development 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 DM18 and DM21 of the emerging Brighton & Hove City Plan Part Two.

13. Prior to first occupation of the development hereby permitted 8 (eight) 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.

14. 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.

15. 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.

16. 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;
- c. details of all boundary treatments (including those between each new property and to neighbouring properties) to include type, position, design, dimensions and materials;

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

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 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.

17. 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.

18. The amended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

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

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

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

20. Prior to occupation, 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 badgers and 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 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.

21. No development above ground floor slab level of any part of the development hereby permitted shall take place until an ecological design strategy (EDS) addressing mitigation for impacts on Honeysett Local Wildlife Site, compensation for the loss of habitats and enhancement of the site to provide measurable biodiversity net gain, to include the recommendations in the Preliminary Ecological Appraisal (Phlorum, March 2022) and the Biodiversity Net Gain Assessment (Phlorum, April 2022) and provision of intensive/biodiverse green roofs, 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 Policy CP10 of the Brighton & Hove City Council City Plan Part One

22. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following: a) description and evaluation of features to be managed; b) ecological trends and constraints on site that might influence management; c) aims and objectives of management; d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions, together with a plan of management compartments; f) preparation of a work schedule (including an

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

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

23. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan, and DM1 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. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

5. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
6. 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.
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
8. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for covered Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
9. 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](mailto: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.
10. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
11. The applicant is advised that assessment model under the CIBSE TM59 Thermal Model method to comply with Part O of the 2022 Building Regulations should be submitted as part of a full Building Regulations application.

## 2. SITE LOCATION

- 2.1. The application relates to a relatively large plot on the north-eastern side of Deans Close, a residential cul-de-sac in the Woodingdean area of Brighton. The site currently houses a bungalow with a freestanding garage to the rear. There is a large rear garden with dense vegetation which rises up steeply to the rear. The Honeysett Local Wildlife Site (LWS) lies adjacent to the western boundary, although the site itself is not designated for its nature conservation interest

## 3. RELEVANT HISTORY

- 3.1. **PRE2021/00052** Options for a development of multiple dwellings on the site of an existing dwelling-house. Advice given 28/4/21.
- 3.2. The proposed number of units has been reduced and an ecology buffer retained following the advice.

## 4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the demolition of the existing dwellinghouse and the erection of 4no. two-storey, three-bedroom dwellinghouses (C3), with associated works.
- 4.2. Amended plans have been received during the life of the application which amend the site and parking layout and provide a larger buffer for the adjacent LWS.

## 5. REPRESENTATIONS

- 5.1. **Thirty-one (31)** letters have been received objecting to the proposed development. The main grounds for objection are as follows:
- Overdevelopment/ cramming
  - Poor design
  - Impact on wildlife
  - Overshadowing
  - Overlooking and loss of privacy
  - Vehicular access and parking
  - Increased traffic/ highway safety
  - Noise and disturbance
  - Lack of garden space
  - Loss of trees/ green space
  - Light pollution
  - Impact on local infrastructure

- 5.2. After a re-consultation following the receipt of amended plans received on 13/05/22: Thirteen (13) further letters have been received. No further grounds for objection to those already set out above were noted.
- 5.3. Objections re developer greed/ profit, disturbance from the build, and loss of views are noted, however are not material planning considerations.
- 5.4. A letter of representation has been received from **Councillors Dee Simson and Steve Bell** objecting to the proposed development. A copy of the letter is attached to the report.

## 6. CONSULTATIONS

### External:

- 6.1. **Ecology:** No objection subject to conditions relating to biodiversity method statement, lighting design strategy, ecological design strategy and landscape and ecological management plan.
- 6.2. **Southern Water:** No objection subject to SuDS strategy and a formal application for a connection to the public foul sewer to be made by developer.

### Internal:

- 6.3. **Arboriculture:** No objection subject to conditions re landscaping and protection of existing trees.
- 6.4. **Environmental Health:** No objection No significant concerns, further comment, or conditions to recommend.
- 6.5. **Private Sector Housing:** No objection Application considered and no comments offered.
- 6.6. **Sustainable Transport:** No objection subject to conditions relating to cycle parking, construction of crossover, surface water drainage and retention of parking area.
- 6.7. **Urban Designer:** No objection subject to condition re replacement tree planting and SuDS strategy. The proposals are considered to be of high-quality design.

## 7. MATERIAL CONSIDERATIONS

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

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

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

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
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
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
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)

#### Brighton & Hove City Plan Part Two:

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
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Urban Drainage

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the surrounding area, landscaping, biodiversity/ecology, impact on neighbouring residential amenity, the standard of accommodation and highways implications.

Principle of the Development:

- 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.
- 9.3. 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.
- 9.4. 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. 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). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. The site is in a residential area within the Built-Up Area Boundary of the City and the existing dwelling is of no significant architectural or historic merit. The plot is significantly larger than the other plots in Deans Close and can comfortably



accommodate more than one dwelling. Therefore, the general principle of a redevelopment and densification of the site to provide additional residential units is accepted and indeed supported by CPP1 Policy CP14: Housing Density.

- 9.6. It is recognised that the creation of 3 additional residential units would make a positive contribution towards the city's housing target as set out in City Plan Policy CP1.
- 9.7. 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.
- 9.8. This application relates to a small housing development of 4no. three-bed units within a constrained location due to the shape of the site, access, highways and ecology considerations. The surrounding area is made up of family dwellings. It is therefore considered reasonable to justify the provision of solely three bed units in this instance; and would be a welcome addition to the City's housing stock.

Design and Appearance:

- 9.9. 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.
- 9.10. Policies 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.
- 9.11. With regard to built form, appearance and materiality the proposals are considered to be of high-quality design. They are sensitive in scale and their low, asymmetric pitched roofs appear modest and subservient in character to neighbouring buildings. The use of natural, untreated timber cladding is considered to enhance the verdant character of the area and to generate an "outbuilding" typology which suits the backland site. The Council's Urban Designer supports the scheme. Material details/ samples can be secured by condition.
- 9.12. Given the prevailing context, there is no objection to the new dwellings, built in the style and materials proposed. The proposal would be a suitable form of development on this site, which would not harm the character and appearance of the streetscene or that of the wider area, in accordance with policy QD14 of

the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One, and emerging policy DM21 of City Plan Part 2 (which can be given significant weight).

Landscaping and Trees:

- 9.13. Policy DM22 of CPP2 states that development proposals are required to retain, improve and, wherever possible, provide, appropriate landscape elements/landscaping, trees and planting as part of the development.
- 9.14. The applicant has provided an arboricultural impact assessment and an arboricultural method statement which has been assessed by the Council's Arboriculture Officer as outlined below.
- 9.15. Mitigation planting has been proposed for the loss of 5 individual trees within the site along with 4 groups. Given that the existing trees are of low individual quality, the proposed 13 trees are considered acceptable; species, location and pit construction have all been specified. The proposed protection measures for retained trees appear robust and can be secured by condition, along with conditions for a landscaping plan, permeable hardstanding, and SuDS.
- 9.16. It is noted that neighbour representations received refer to the removal of trees from the site in 2021 prior to the submission of the planning application. The Council's Arboriculture Officer advised that an emergency TPO was served in response to the removal works, however the remaining trees did not meet the criteria to justify preservation status. The prior removal of unprotected trees is not considered to be a material constraint to development. As such, subject to the recommended conditions it is considered that the proposal complies with policy DM22 of the City Plan Part 2.

Standard of Accommodation:

- 9.17. Policies DM20 and QD27 seek to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'.
- 9.18. Although not yet adopted, the Proposed Submission City Plan Part 2 policies indicates direction of travel and some policies have gained weight since consultation. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings and this policy now carries significant weight as a material planning consideration.
- 9.19. Each house would have 3x bedrooms - 2x double (1 at GF and 1 at FF) and 1x single, and measure 108m<sup>2</sup>. This exceeds the minimum space standard of 93m<sup>2</sup> for a three bed, five-person dwelling. The overall design and layouts would provide good circulation space and levels of light, ventilation, and outlook.
- 9.20. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. A raised, rear garden would be provided for each dwelling,

along with a raised terrace to the front; this is considered appropriate for the size of dwelling. Full details of the landscaping of the external areas is required by condition, including proposed boundary treatments between the new properties and the neighbouring properties.

- 9.21. It is noted that the gardens would be overlooked by surrounding properties which are at a raised land levels to the application site. However, this is not an unusual relationship between properties in this built-up, hilly area of the city, and is therefore considered acceptable in this instance.
- 9.22. A refuse and recycling store is being proposed on-site close to the highway for collection purposes, which is deemed acceptable.

Impact on Amenity:

- 9.23. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.24. The properties closest to the site are nos. 6 and 8 Deans Close adjacent. These properties would gain some benefit from the demolition of the existing house as they would no longer have a building sited directly next to the existing neighbouring built form. No. 8 is sited very close to the boundary with the application site and has existing side facing windows. A soft landscaping buffer is proposed to the boundary with no. 8 to mitigate nuisance from activity from the access route. No. 6 is sited further away from the boundary, and it is noted that there is existing foliage/ screening in the control of no. 6. Soft landscaping is also proposed by the applicant.
- 9.25. The properties in Crescent Drive North to the north are some distance away and are at a considerably raised ground level to the application site. However, it is noted that there is a backland dwelling, no. 58A Crescent Drive North, directly to the north of the application site. Notwithstanding this, it is considered that given the differing land levels, orientation, proposed planting and windowless north elevation of the closest proposed dwelling, the development would not lead to such a detrimental impact on this dwelling to warrant refusal of the application.
- 9.26. With regard to Willow Close to the south-east of the site, the proposed properties would appear modest and subservient and the raised land levels of these neighbouring properties and stand-off distances are considered sufficient so as an unacceptably harmful impact on living conditions and neighbour amenity does not occur.
- 9.27. Overall, it is considered that the development has been sensitively designed to mitigate impact on neighbouring dwellings.

Sustainable Transport:

- 9.28. The application proposes six car parking spaces for the four dwellings including a turning head, and this is in line with the maximum standards in SPD14. The Council's Highways Officer is comfortable that the submitted swept path analysis has adequately demonstrated that the layout and turning head work. A communal cycle store is proposed on the access road. This is considered acceptable and can be secured by condition.
- 9.29. The existing vehicle access between No 6 and adjacent to the vehicle access to No 8 is being retained and extended. A footway along the edge of the access road is proposed to access the proposed dwellings. It is noted that the footway starts a few metres into the site and pedestrian access is shared with vehicles at the site's entrance. This arrangement is not ideal, however, the site constraints at the entrance and limited number of dwellings are acknowledged and the Council's Highways Officer does not raise an objection in this instance. Pedestrian dropped kerbs are also being proposed for access to the car park and bin store and this is welcomed.
- 9.30. The increase in trips associated with an additional three dwellings is unlikely to amount to a severe impact on the surrounding highway network. The Council's Highways Officer has no objections to the scheme.

Ecology:

- 9.31. The site is not designated for its nature conservation interest, but Honeysett Local Wildlife Site (LWS) lies adjacent to the western boundary. The LWS supports broadleaved woodland and is particularly important in the urban context as providing a refuge for wildlife including breeding birds and invertebrates and is known to support a badger sett.
- 9.32. Compensatory planting, including native trees and scrub is proposed, as well as the retention and enhancement of an "ecology buffer" in the north-west section of the site, a wildlife corridor along the northern boundary and protection of retained trees. The County Ecologist has advised that this is acceptable, subject to conditions including an Ecological Design Strategy clearly setting out the measures that will be implemented to mitigate and compensate for the impacts of the development and to achieve Biodiversity Net Gain.
- 9.33. 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. Conditions requiring bee bricks and swift boxes have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and SPD11 Nature Conservation and Development.

Sustainability:

- 9.34. The application commits to high efficiency standard in accordance with policy CP8. At the time, the application was submitted, this required new build development to achieve 19% above Part L for energy efficiency, however, since the application was submitted, the Part L has been updated and now requires a higher standard. Since this is now covered under the Building Regulations, an informative to that effect will be attached rather than a condition. A condition, is

though recommended to meet the optional standard for water consumption. This above can be secured by condition and informatives.

## **10. COMMUNITY INFRASTRUCTURE LEVY**

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £24,227.24. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

## **11. EQUALITIES**

- 11.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. The application commits to provide dwellings that are accessible and adaptable and in accordance with Building Regulations M4(2) for accessibility as required by policy DM1 of the Emerging City Plan Part Two.

## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. 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.





## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Cllr. Dee Simson and Cllr. Steve Bell**  
**BH2021/03806 – 7 Deans Close**

#### **7th December 2021:**

We are writing to support the many residents who have contacted us to object to the demolition of the existing dwellinghouse and erection of 4no. two storey, 3no. bed dwellinghouses (C3), with associated works at 7 Deans Close, Woodingdean.

There are several reasons for this objection.

This application has already contravened QD16 of Brighton & Hove's Local Plan that states "*must seek to retain existing trees and hedgerow*" by felling the trees and clearing the land despite objections and concerns raised at the time by local councillors and residents, thus devastating a site that was previously full of trees and an important wildlife habitat,

This application is clearly an overdevelopment of the site. Deans Close is a small close of approx. 21 properties, all of which are individual in design. A terrace of houses, such as those proposed, would be out of keeping with the surrounding area and have a detrimental effect on the street scene.

The proposed buildings would take up a large part of the site giving insufficient amenity space for occupants thus contravening HO5 – "*The planning authority will require the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development.*"

There will also be loss of amenity by overlooking of both 58a Crescent Drive North and the adjacent property at 8 Deans Close – contravening QD27

Additional traffic movements accessing the properties will cause loss of privacy and increased noise nuisance to other properties in this small quiet cul-de-sac. - also contravening QD27

Most importantly, any development of this size on this site would contravene QD18 – "*Where it is evident that a proposal could directly or indirectly affect a species of animal or plant, or its habitat (including feeding, resting and breeding areas) protected under National legislation, European legislation or categorised as 'a declining breeder', 'endangered', 'extinct', 'rare' or 'vulnerable' in the British 'Red Data' books, permission will not be granted for any development, that would be liable to cause demonstrable harm to such species and their habitats.*"

This site is directly adjacent to a nature conservation area that protects and enhances many wildlife species including badgers, foxes and hedgehogs many of which would lose their natural runs and foraging areas.

We ask that you take all this into consideration when making your decision and should you be minded to grant the application, request that the final decision be taken by the Planning Committee following a site visit.





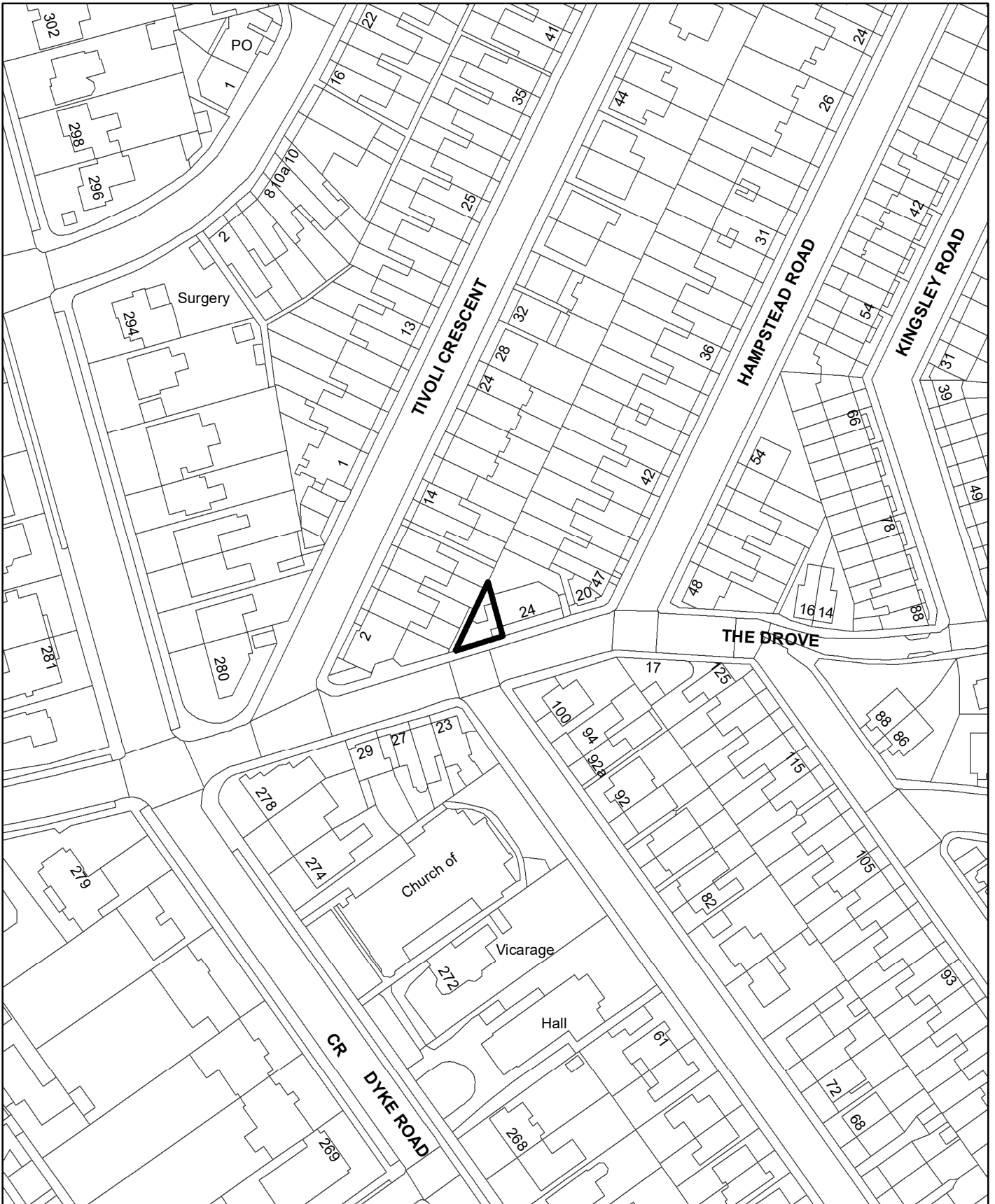
# **ITEM E**

**24 The Drove  
BH2021/04500  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> July 2022**



# BH2021 04500 - 24 The Drive



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/04500</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>24 The Drove Brighton BN1 5AF</b>		
<b><u>Proposal:</u></b>	<b>Redevelopment of existing single storey garage to create 1no two storey flat roofed dwelling (C3) with associated works.</b>		
<b><u>Officer:</u></b>	Ayscha Woods, tel: 292322	<b><u>Valid Date:</u></b>	07.01.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	04.03.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD United Kingdom		
<b><u>Applicant:</u></b>	Julie Habben And Joan Withington 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	PR01	-	6 May 2022
Proposed Drawing	PR02	-	6 May 2022
Proposed Drawing	PR03	-	6 May 2022
Proposed Drawing	PR04	-	6 May 2022
Location Plan	EX01	-	6 May 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 development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

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

- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

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

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

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

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

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

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

6. Prior to first occupation of the development hereby permitted, the secure cycle parking facilities for the occupants of, and visitors to, the development shall be fully implemented and made available for use 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.

7. The refuse and recycling facilities shown on the plans submitted shall be carried out and provided in full in accordance with the approved plans prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

8. 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.

9. A bee brick shall be incorporated within the external wall of each dwelling hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
10. Access to the flat roof hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, CP12 of the Brighton and Hove City Plan Part One and emerging policy DM20 of the Brighton and Hove City Plan Part Two.
11. Three (3) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.

## 2. SITE LOCATION

- 2.1. The application site relates to a single storey attached garage structure adjacent to 24 The Drove, located to the north side of the road at the junction of The Drove and Reigate Road. The building is currently a flat roofed single storey structure with a rendered finish contrasting with the adjacent two storey red brick terrace at 22, 22A and 24 The Drove. The garage is attached to and part of the site at 24 The Drove.
- 2.2. The site is not located within a conservation area, and there are no Article 4 directions covering the site.

### 3. RELEVANT HISTORY

- 3.1. PRE2021/00080 - Proposed new dwelling to replace existing garage footprint on site - Pre-application advice provided - 02/06/21

### 4. APPLICATION DESCRIPTION

- 4.1. Permission is sought for a redevelopment of the existing single storey garage to create 1no two storey flat roofed dwelling (C3) with associated works. The scheme proposed 1no. bedroom at first floor and a small amenity space to the rear. The building would be finished in brickwork to match the adjoining terrace.

### 5. REPRESENTATIONS

- 5.1. **Eight (8)** letters have been received objecting to the proposed development for the following reasons:

- Adversely affects Conservation Area
- Inappropriate Height of Development
- Poor design
- Overdevelopment
- Overbearing
- Loss of light
- Loss of privacy/overlooking
- Poor design
- Residential Amenity
- Restriction of view
- Too close to the boundary
- Poor standards of accommodation
- Limited amenity space for occupants
- Noise disturbance
- Does not contribute to housing stock

(N.B - It appears **fifteen (15)** comments of objection have been received; however, multiple comments have been received from the same people).

- 5.2. **One (1)** further letter has been received from **Councillor Lloyd** objecting to the proposed development. A copy of the representation from Councillor Lloyd is attached.

### 6. CONSULTATIONS

- 6.1. **Arboriculture:** No comment received
- 6.2. **Environmental Health:** No comment received



- 6.3. **Sustainable Transport: No objection**  
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.

## 7. MATERIAL CONSIDERATIONS

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

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing density

CP18 Healthy city

CP19 Housing mix

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

TR4 Travel plans

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD5 Design - street frontages

QD14 Extensions and alterations

QD15 Landscape design  
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  
DM21 Extensions and alterations

Supplementary Planning Documents:

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

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the development on site, the design of the new building and its impact upon the character and appearance of the streetscene and wider area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and highways considerations.

**Principle of the Development:**

- 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).
- 9.5. The site is located in an area dominated by residential development. As a principle of development the use of the site for residential would be appropriate.

**Design and Appearance:**

- 9.6. As existing the building forms a single storey garage which adjoins to the west of 24 The Drove. The existing structure is finished in render. The proposal would include the demolition of the existing structure and the rebuilding of the existing footprint and introduce a new first floor level.
- 9.7. As originally submitted, the scheme included large expanses of brick. Whilst the existing garage presents a prominent blank frontage to the streetscene, the large areas of blank massing for a new dwellinghouse was considered to be stark in comparison to the adjacent terrace. In addition, it was proposed that 'fake' brick be used as cladding to some areas of the front façade.
- 9.8. Amendments were received throughout the course of the application addressing these concerns. The revised scheme incorporates opening up the main entrance so that there is no longer a covered entranceway, repositioning of the bay window further away from the neighbour. In addition, the fenestration has been improved to reduce the stark massing of brick and enhance the visual detailing/features. The 'fake' brick has been removed and the scheme is now to be wholly finished in brickwork.
- 9.9. The design would have a modern form in comparison to the adjoining terrace, however, it would also include and reflect some of the architectural features of the terrace which is considered appropriate, including a brick detail at eaves level. Whilst the proposal would have a flat roof its height would match the existing eaves of the adjacent terrace. The scheme would be subservient and would not detract from the historic design of the terrace. The proposed fenestration is modern but respects the proportions of the windows in the adjacent terrace.
- 9.10. The existing structure is unusual in the street in terms of scale and footprint and the opportunity could have been taken to address this in the streetscene, however, given the constraints of the site together with the potential to cause more harm, this was not considered appropriate in this instance.
- 9.11. The overall revised design is considered to demonstrate an appropriate design approach to this area and would successfully integrate into the existing street scene.

**Standards of Accommodation:**

- 9.12. Policy QD27 of the Brighton and Hove Local Plan, and emerging Policy DM20 of CPP2 (which can be given more weight than policy QD27) aim to secure a

good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.

- 9.13. The Nationally Described Space Standards (NDSS), although not yet formally adopted by the Council, do provide a useful guide against which to assess the overall unit size and bedroom sizes, particularly as they are referred to in emerging Policy DM1 of City Plan Part 2 (which can be given significant weight).
- 9.14. The NDSS states that a two storey, one bed, two person dwelling should have a minimum gross internal floor area of 58m<sup>2</sup>, and a double bedroom should have a minimum bedroom size of 11.5m<sup>2</sup>. The proposed dwelling would measure approx. 60m<sup>2</sup> and the bedroom would measure 15m<sup>2</sup> and would therefore comply with the NDSS. The overall size and layout of the proposed dwelling and would provide suitable and usable accommodation throughout for a 1 bedroom property, with sufficient levels of natural light and outlook within the property .
- 9.15. Given the space constraints, the scheme only proposes a small rear outdoor courtyard as amenity space for occupants of the proposed dwelling. Whilst the outdoor amenity space is acknowledged as limited, this would not in itself be a reason to resist the proposals given the small scale of the dwelling proposed. The private amenity space provided is therefore in accordance with Policy HO5 and emerging Policy DM1 of CPP2.
- 9.16. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. 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) dwelling appears to be achievable and therefore conditions will be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

**Impact on Amenity:**

- 9.17. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than the Local Plan policy) state that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.18. The scheme would be built to the same footprint as the existing garage at ground floor level and would introduce a setback additional storey at first floor. The existing flat roof structure measures 2.3m in height at its most western point adjacent to the boundary of the site. The proposed development would retain its 2.3m height at ground floor level, and the first floor would be an additional 2.4m in height giving a total height from ground level of 4.7m.

- 9.19. Following a site visit, the main impact of the proposal would be on nos. 4 and 6 Tivoli Crescent directly to the north west of the application site (separated by a small alleyway and set on higher ground than the application site). There would be minimal impact on nos. 2 and 8 Tivoli Crescent.
- 9.20. It is acknowledged that the proposal would introduce additional height and massing above the existing situation in close proximity to 4 and 6 Tivoli Crescent. There is an existing stepped boundary wall which rises above the height of the existing flat roof along its western boundary with the alleyway to the west. The dwarf wall measures 0.5m at its lowest and 1.0m at its highest above the existing flat roof structure. As such, the additional first floor of the proposal would be 1.9m above the boundary wall at its most impactful, and 1.4m at its least impactful. This would be separated from the properties to the west of the site by an alleyway which has a width of 0.6m which would provide some visual separation from the rear boundaries of the Tivoli Crescent properties. Furthermore it is noted that the properties along Tivoli Crescent are set at a higher land level than the application site which somewhat naturally mitigates the impact of the proposal.
- 9.21. It should be also noted that there is a slatted fence screening above the rear boundary wall of no. 4 which would mitigate the impact of the proposal from this property. There is no additional screening at the rear of no.6 although there is significant tall foliage at no 8.
- 9.22. In consideration of all the above whilst some impact would occur, on balance, the proposal is not considered to result in an overbearing impact largely due to the separation of the site by the alleyway and the existence of the rear boundary treatments to the properties of Tivoli Crescent.
- 9.23. Due to the orientation of the site, it is acknowledged that there would be some overshadowing of the rear gardens of the properties along Tivoli Crescent, however, this would only occur in the early morning, slowly alleviating and with little/no impact by the afternoon. The living spaces in the houses of Tivoli Crescent would be unaffected by the proposal in terms of overshadowing or loss of light.
- 9.24. Whilst some harm has been identified and acknowledged in terms of amenity impacts to the rear garden areas, on balance, the harm is not considered to be sufficient enough to warrant refusal of the scheme.
- 9.25. The scheme would not appreciably impact on the amenity of no. 24 The Drove adjacent.
- 9.26. It is not considered that the scheme for 1 no. one bedroom dwelling would give rise to harmful noise disturbance within a residential area.
- 9.27. No side windows are proposed. The window to the rear at first floor would serve a bathroom and can be obscure glazed via condition. Views achievable from the front bedroom side window would not be intrusive to neighbouring properties.

- 9.28. Some concern is noted in regards to the potential for the flat roof of the building to be used as a terrace or raised amenity area. Such a use would be considered to be potentially harmful to neighbouring residential amenity and could potentially result in an incongruous appearance and therefore a condition is recommended to ensure such an area is not used without explicit consent.

**Sustainable Transport:**

- 9.29. The applicant is proposing one cycle parking space at the rear of the property in the courtyard which is welcomed. The proposed cycle parking provision complies with SPD14 Parking Standards, which states that a minimum of 1 cycle parking space is required for every residential unit. Further details are requested by condition.
- 9.30. The applicant is seeking to remove the existing vehicle access arrangements onto the adopted (public) highway. A condition and informative will be attached for the reinstatement of the redundant vehicle crossover.
- 9.31. The scheme is not considered likely to result in a significant uplift in trip generation.

**Sustainability:**

- 9.32. City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water consumption. Conditions are proposed to ensure the development meets these standards as set out in policy CP8

**10. COMMUNITY INFRASTRUCTURE LEVY**

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £5,263.29. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The site has good links to facilities including shops and is well served by public transport. Bee bricks and swift boxes / bricks shall be secured by condition.

**12. EQUALITIES**

- 12.1. 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.





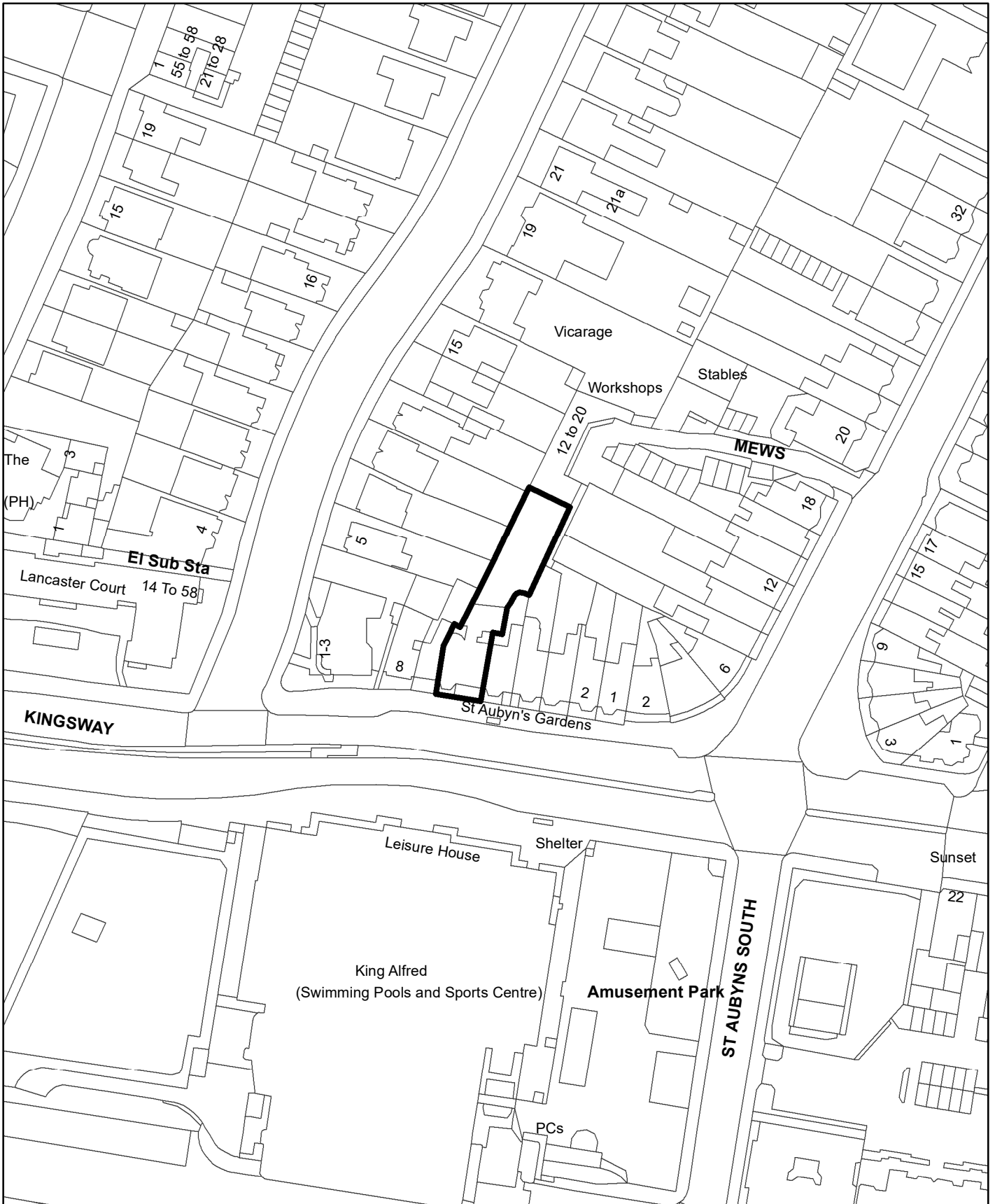
# **ITEM F**

**Flat 6B, 6 St Aubyns Gardens  
BH2022/00612  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> July 2022**



# BH2022 00612 - Flat 6B, 6 St Aubyns Gardens



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/00612</b>	<b><u>Ward:</u></b>	<b>Central Hove</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Flat 6B 6 St Aubyns Gardens Hove BN3 2TA</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey outbuilding to rear, with additional bedroom and study accommodation for Flat 6B. (Retrospective)</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	27.05.2021
<b><u>Con Area:</u></b>	Old Hove	<b><u>Expiry Date:</u></b>	22.07.2021
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Alistair Dodd ADC Ltd 72A Beaconsfield Road Brighton BN1 6DD		
<b><u>Applicant:</u></b>	Mr B Patel Bellimo Ltd Brighton Kingsway Hotel 2 St Aubyns Hove BN3 2TB		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	ADC1345/A LP		7 March 2022
Proposed Drawing	ADC1345/A01		7 March 2022
Proposed Drawing	ADC1345/A02	Rev A	10 March 2022
Proposed Drawing	ADC1345/A03	Rev C	21 June 2022

2. The outbuilding hereby approved shall only be used as accommodation ancillary to and in connection with the use of the main property (Flat B, 6 St Aubyns Gardens) as a single dwelling and shall at no time be occupied as a separate or self-contained unit of accommodation.

**Reason:** In order to protect the amenities of neighbouring properties because the outbuilding is unacceptable as a new dwelling and in accordance with Policy QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part Two.

3. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of location, species, sizes and numbers of all proposed plants, and accord with the standards described in Annex 6 of SPD11 and shall be

implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

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

**Reason:** To increase the biodiversity of the site, to enhance the appearance of the development and to comply with Policies QD15 of the Brighton & Hove Local Plan, CP10 of the Brighton & Hove City Plan Part One, DM22 of the Brighton & Hove Proposed Submission City Plan Part Two and SPD11.

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

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan and DM20 and DM21 of the Brighton & Hove Proposed Submission City Plan Part Two.

## 2. SITE LOCATION

- 2.1. The application site is on the north side of St Aubyns Gardens, which is effectively part of the west-to-east section of the dual carriageway known as Kingsway (A259), and opposite King Alfred Leisure Centre. It is a mid-terrace building, but which is at the western end of a row of 15 similar Classical style, mid-Victorian properties with two lower, four storey buildings adjoined to its western flank wall. The property, the subject of this application, was originally four storeys plus basement and roofspace, which has subsequently been converted via roof extensions either side of the original Dutch gables to the front elevation. In contrast with those buildings to the east, it only has one canted bay and features light green painted render as opposed to cream coloured render. To the rear it has a two storey outrigger that is set away off the rear elevation and straddles the boundary with no. 5. According to Council Tax records, the building is comprised of six flats; 1-4 are numbered as such and there are also nos. 6A and 6B (which is the subject of this application).
- 2.2. The application relates to the rear part of the back garden where a single storey building has been erected behind an existing fence and gate.
- 2.3. The application site is within the Old Hove Conservation Area, an Archaeological Notification Area and Controlled Parking Zone (CPZ) N. It is not a listed building or within the setting of any.

## 3. RELEVANT HISTORY

- 3.1. **BH2021/01599:** Erection of single storey outbuilding to rear. (Retrospective). Withdrawn

- 3.2. **BH2021/00897:** Retention of flat roof to replace existing pitched roof to rear outrigger. Approved at Planning Committee 09.06.2021 and decision issued 11.06.2021
- 3.3. **BH2002/01632/FP:** Alteration to rear roof light to form roof access hatch. Approved 13 August 2002

#### 4. APPLICATION DESCRIPTION

- 4.1. The current application seeks the retention of a single storey outbuilding to the rear of the back garden, which is solely used by a studio dwelling known as Flat 6B. It is to be used as additional living space for Flat 6B. The works commenced on 1 January 2021 and were finished on 28 February the same year, although it was not in use at the time of the site visit and the fence dividing the garden has since been removed. The application does not include the opening made in the boundary wall, which has since been made good.

#### 5. REPRESENTATIONS

- 5.1. **Eleven (11) objections** were received, more than five of which are from properties directly affected, raising the following concerns:
- Parking issues
  - Potential use of the annexe as rental accommodation
  - Damage to a garden wall, which has been very badly blocked up
  - A residential building in a garden is inappropriate
  - Direct views into neighbouring properties
  - Increased noise and disturbance
  - No planning permission was sought prior to its construction; retrospective application should be refused.
  - The necessity of the proposed development is unclear.
  - It overdevelops the plot
  - Loss of green space
  - It is not in keeping with cheap white plastic doors and windows, and bright security light
  - Negative effect on property values
  - Lack of information in the application
  - Detrimental impact on the character and appearance of the conservation area
  - It is odd that the outbuilding was built without planning permission and since then there have been two applications for it.
  - It is unclear how many bedrooms the flat has, and without that information, cycle parking, refuse, amenity space and other requirements cannot be considered.
  - In the event of an approval, a legal agreement should prevent its use as a separate dwelling given it is capable of independent occupation.
  - The degree of intervisibility between this building and the existing buildings, including those on the site itself, would be unacceptable.

- It does not create a high standard of accommodation for those who will reside there.
  - It is an ugly utilitarian building with no connection to the architecture of the area. By reason of its design and location it does not make a positive contribution and is an inappropriate addition that would harm the character, appearance and visual amenity of the area.
  - This proposal does not comply with Policies CP12, CP15, QD14 and HE6.
- 5.2. **Eighteen (18)** representations in support, more than five of which are from properties directly affected, have been received for the proposal for the following reasons:
- The outbuilding conforms with the garden and the main building.
  - The size and the design are ok.
  - This new modern, beautiful one storey outbuilding has enhanced the garden, and is appropriately located.
  - The low height and the location could not cause a negative impact on the neighbours and it does not stand out as out of place.
  - The outbuilding is not fenced off and therefore it is ancillary to the garden flat and in character with the building.
  - It does not adversely affect views or living quality
  - There are other similar outbuildings around
  - No additional noise or disturbance
  - It could blend in better with some more foliage or plants
  - This outbuilding is more nicely designed, neat and of a good colour
  - It does not affect the appearance of the beautiful buildings on St Aubyns Gardens.

## 6. CONSULTATIONS

- 6.1. **Brighton and Hove Archaeological Society:** Unaware of any archaeological deposits that are likely to be affected by this development. Suggestion to contact the County Archaeologist for their recommendations.
- 6.2. **County Archaeology:** No archaeological recommendations to make

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.3. The development plan is:



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

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

## 8. 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  
 CP15 Heritage

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

SU10 Noise nuisance  
 QD27 Protection of amenity  
 HE6 Development within or affecting the setting of conservation areas

#### 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  
 DM26 - Conservation Areas  
 DM40 - Protection of the Environment and Health – Pollution and Nuisance

#### Supplementary Planning Documents:

SPD11 Nature Conservation and Development  
 SPD12 Design Guide for Extensions and Alterations

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to principle of development, design and heritage as well as the impact on neighbouring amenity and highways.

Principle of Development:

- 9.2. Prior to the construction of the single storey outbuilding the subject of this application, this part of the garden was occupied by two sheds, which have subsequently been demolished. It has since been occupied by this outbuilding, which is to be used as an extension to the existing studio dwelling (Use Class C3) on the ground floor of the main building. The main issues in terms of whether the application is acceptable in principle is the loss of garden space.
- 9.3. Prior to this development, the back garden was approx. 30m long at its longest point and had an area of approx. 282.5m<sup>2</sup>. Post-development, the rear garden is approx. 21.8m long at its longest point and has an area of approx. 195m<sup>2</sup>. Therefore, 69% of the back garden would be retained, which is considered acceptable since it still provides sufficient amenity space for the ground floor studio flat.

Design and Heritage:

- 9.4. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.5. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given “considerable importance and weight”.
- 9.6. No objections are raised to the removal of the temporary sheds previously where the outbuilding now stands.
- 9.7. It is a single storey structure of 2.6m high with a flat roof and light grey rendered elevations punctuated with white uPVC framed windows and a single door. It spans nearly the full width of the site at 8.6m wide, but set in 1m from each boundary.
- 9.8. In terms of the surrounding context, there are flat roofed outbuildings built in the back gardens of 8 and 10 St Aubyns and another where 2-6 St Aubyns and 1 St Aubyns Gardens join (it is unclear to which property it relates). In that context, the provision of a single storey outbuilding is not out of keeping with the surrounding area, with that at 10 St Aubyns potentially being in commercial use as a workshop. There are workshops within Namrik Mews to the north and also live-work units such as in the building (nos. 12-20) that directly backs onto the site with a two storey façade and pitched roof. No design-based objection is therefore raised to this outbuilding.
- 9.9. As regards materials, the flat roof is felt, the walls grey painted render, the windows, doors and fascia white uPVC, and the gutters and downpipes dark grey uPVC. These are generally not high quality materials and not particularly suitable for use in a conservation area. However, the outbuilding is not visible

from any publicly visible point and is tucked away to the rear of the back garden behind a fence, away from the frontage properties. In this context, the materials used would not warrant a refusal of planning permission for that reason alone. It is regrettable that the applicant did not use high quality materials, but it is considered that alternative materials cannot be conditioned.

- 9.10. In terms of its impact on heritage assets, the nearest listed buildings are 2, 4 and 6 St Aubyns, which together with their piers and railings are listed at Grade II. Given that they are at least 35m away to the south east of the outbuilding, it is not considered that there is any harm to the listed buildings or their setting. Added to it not being visible from any publicly visible point, NPPF paragraph 202 regarding public benefits is therefore not engaged.
- 9.11. City Plan Part One Policy CP10 require net gains for biodiversity, but none are proposed by this application. It is considered unreasonable to request that a bee brick be incorporated into already constructed rendered walls so in the event of an approval it is recommended to secure details of landscaping, such as wildflowers and insect hotels, by condition to provide a net gain.
- 9.12. Therefore, the single storey outbuilding is considered acceptable in design and heritage terms and would not materially harm the appearance and character of the Old Hove Conservation Area. As such, the application is considered to be compliant with Policies CP12 and CP15 of the City Plan Part One, HE6 of the Local Plan and DM26 of the emerging City Plan Part Two.

Impact on Neighbouring Amenity:

- 9.13. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.14. The objections received raise issues of noise and disturbance, overlooking, light spill and alternative use of the outbuilding than that proposed by this application.
- 9.15. The use of the outbuilding is to be used as additional living space, namely a bedroom, storage and a WC / shower room for the studio flat the subject of this application. Given the nature of this space, it is not considered to cause adverse levels of noise audible outside of its walls. Any disturbance caused from the use of a domestic outbuilding would be minimal. Access would be had through 6 St Aubyns Gardens, which is owned by the applicant, as opposed to from the rear in Namrik Mews.
- 9.16. The windows installed within the external walls of the building face south towards the existing rear garden, which pertains to the studio flat, and west towards a 2.4m high wall at 86cm away. It is for those reasons why it is considered that the outbuilding does not provide intrusive overlooking of neighbouring gardens and windows. It is therefore not necessary for any of the windows to be obscure glazed. In the event of an approval, a condition would be added to prevent the flat roof being used as any kind of amenity space, which would otherwise cause an adverse impact on privacy.

- 9.17. It is possible that some light spill would occur from the south-facing windows, however, the lighting would be commensurate with the domestic use of the outbuilding. The relatively small external light adjacent to the entrance door to the outbuilding is a typical security light and is likely to be movement sensitive, hence the reference to it coming off and on all night, probably triggered by wildlife. Therefore, light spill is not considered to be harmful to neighbouring windows, the nearest of which is approximately 23m away.
- 9.18. Officers recognise the potential for the building to be used as a self-contained or separate dwelling, or for short-term holiday accommodation purposes, as alleged in the objections. Therefore, in the event of an approval, it is considered appropriate to recommend a condition be added to restrict the use of the outbuilding as ancillary to Flat 6B.
- 9.19. As such, the proposal is considered to be in accordance with Local Plan Policy QD27 and Policy DM20 of the Proposed Submission City Plan Part Two, which carries more weight than QD27.

Standard of Accommodation:

- 9.20. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Policy DM1 of Proposed Submission City Plan Part Two proposes to adopt them and can now be given significant weight.
- 9.21. It is recognised that this is an extension of an existing dwelling, however it is considered reasonable to assess it against the NDSS and Policy DM1, which can be given significant weight in determining planning applications.
- 9.22. Only the size of dwellings themselves and bedrooms are assessed and the bedroom within this outbuilding would be approximately 18.9m<sup>2</sup> by 4.17m wide, which is sufficient for two bedspaces. However, it is also important that bedrooms receive sufficient ventilation, natural light and outlook. In this case, it is served by a casement window facing south towards the rear garden. As such, it would provide sufficient natural light and outlook for the bedroom.
- 9.23. Therefore, this application for an extension to the existing dwelling in the form of a rear outbuilding offers an acceptable standard of accommodation to future residents, compliant with Local Plan Policy QD27 and Policy DM20 of the Proposed Submission City Plan Part Two.

Matters raised by consultation:

- 9.24. Matters regarding potential use of the outbuilding as rental accommodation, alterations outside the scope of this application, property values and the need for the development are not valid planning considerations and therefore have not been taken into account in the determination of this application.

Conclusion

- 9.25. This application is considered acceptable in principle and on matters of design and impact on heritage assets and neighbouring amenity, and the single storey outbuilding, as an extension to the existing dwelling, provides an acceptable standard of accommodation to future residents. As such, this application is recommended for approval.

**10. EQUALITIES**

- 10.1. None identified

**11. CLIMATE CHANGE / BIODIVERSITY**

- 11.1. The extension to the existing dwelling makes better use of land that was otherwise redundant and would contribute to biodiversity net gain through a landscaping condition. Although not required by policy, two cycle parking spaces are provided to the south of the outbuilding.



# PLANNING COMMITTEE

## Agenda Item 18

Brighton & Hove City Council

### NEW APPEALS RECEIVED 05/05/2022 - 08/06/2022

#### WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **GOLDSMID**

BH2021/03711

82 Goldstone Villas Hove BN3 3RU

Conversion of loft to create 1no. self-contained studio flat (C3), associated alterations including front and rear rooflights.

APPEAL IN PROGRESS

18/05/2022

Delegated

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#### WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **HANOVER AND ELM GROVE**

BH2021/00770

43-45 Bentham Road Brighton BN2 9XB

Conversion of existing building to create 8no studio flats (C3) and 1no two bedroom flat (C3) incorporating single storey rear conservatory extensions, insertion of windows to front & rear elevations, rooflights to east and west roof slopes, new front boundary wall and associated works.

APPEAL IN PROGRESS

20/05/2022

Planning (Applications) Committee

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#### WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **MOULSECOOMB AND BEVENDEAN**

BH2021/02989

18 Colbourne Avenue Brighton BN2 4GE

Use of the property as a nine-bedroom house in multiple occupation (sui generis).

APPEAL IN PROGRESS

10/05/2022

Delegated

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#### WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

#### **MOULSECOOMB AND BEVENDEAN**

BH2022/00051

33 Hillside Brighton BN2 4TF

Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom large house in multiple occupation (Sui Generis).

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 08/06/2022  
APPLICATION DECISION LEVEL Delegated

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**WARD** **NORTH PORTSLADE**  
APPEALAPPNUMBER BH2021/04442  
ADDRESS 129 Southdown Road Portslade BN41 2HJ  
DEVELOPMENT DESCRIPTION Erection of single storey first floor rear extension.  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 10/05/2022  
APPLICATION DECISION LEVEL Delegated

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**WARD** **PRESTON PARK**  
APPEALAPPNUMBER BH2021/02126  
ADDRESS 1 Shaftesbury Place Brighton BN1 4QS  
DEVELOPMENT DESCRIPTION Change of use from 6no bedroom small house in multiple occupation (C4) to 7no bedroom large house in multiple occupation (sui generis), incorporating the installation of 2no rear dormers.  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 06/05/2022  
APPLICATION DECISION LEVEL Delegated

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**WARD** **QUEEN'S PARK**  
APPEALAPPNUMBER  
ADDRESS 39 Grand Parade Brighton BN2 9QA  
DEVELOPMENT DESCRIPTION Appeal against  
APPEAL STATUS APPEAL ALLOWED, AWAITING FEE PAYMENT  
APPEAL RECEIVED DATE 26/05/2022  
APPLICATION DECISION LEVEL Not Assigned

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**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEALAPPNUMBER BH2021/02961  
ADDRESS Hartley Court 11 Howard Place Brighton BN1 3BU  
DEVELOPMENT DESCRIPTION Erection of two additional stories to create 3no flats (C3) incorporating removal and replacement of third floor level.  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 20/05/2022  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEALAPPNUMBER BH2021/03411  
ADDRESS 85 Ditchling Road Brighton BN1 4SD



<u>DEVELOPMENT DESCRIPTION</u>	Change of use of ground floor and lower ground floor from commercial unit (E) to create a two bedroom maisonette (C3) incorporating new basement lightwells, revised fenestration and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	19/05/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEALAPPNUMBER</u>	BH2021/04142
<u>ADDRESS</u>	Waggon & Horses 109 Church Street Brighton BN1 1UD
<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing canopies with the erection of an aluminium structure with retractable roof and sides to the side and rear elevations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	24/05/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEALAPPNUMBER</u>	BH2021/04337
<u>ADDRESS</u>	12 Frederick Gardens Brighton BN1 4TB
<u>DEVELOPMENT DESCRIPTION</u>	Erection of porch to front elevation.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	20/05/2022
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	1 Courtyard Lane Hove BN3 4BP
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	19/05/2022
<u>APPLICATION DECISION LEVEL</u>	Not Assigned



### APPEAL DECISIONS FOR THE PERIOD BETWEEN 25/05/2022 AND 21/06/2022

#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

#### **GOLDSMID**

APL2022/00003

Haven Lodge Eaton Villas Hove BN3 3TB

Change of use from a single dwellinghouse (C3) to a Short Term Visitor Accommodation (sui generis). (Retrospective)

Against Refusal

APPEAL DISMISSED

BH2021/01753

Delegated

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#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

#### **MOULSECOOMB AND BEVENDEAN**

APL2022/00024

57 Birdham Road Brighton BN2 4RX

Erection of 1no two storey dwelling (C3) adjoining existing dwelling.

Against Refusal

APPEAL DISMISSED

BH2021/02318

Delegated

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#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

#### **QUEEN'S PARK**

APL2022/00026

Hot Potato Cafe 71 St James's Street Brighton BN2 1PJ

Conversion of basement store (E class) to a studio flat (C3) with associated alterations.

Against Refusal

APPEAL DISMISSED

BH2021/01786

Delegated

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#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

#### **SOUTH PORTSLADE**

APL2021/00106

Panorama House 1D Vale Road Portslade BN41 1BA

Conversion of units 9, 42, 45 and 46 to create 4no flats (C3) including installation of one window to unit 42 north elevation.

<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	SPLIT DECISION
<u>PLANNING APPLICATION NUMBER</u>	BH2021/01919
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>WOODINGDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00025
<u>ADDRESS</u>	1 Falmer Gardens Brighton BN2 6NE
<u>DEVELOPMENT DESCRIPTION</u>	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 TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02945
<u>APPLICATION DECISION LEVEL</u>	Delegated

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