

# Planning Committee

Date: **7 December 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

## 61 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.*

## 62 MINUTES OF THE PREVIOUS MEETING

1 - 12

Minutes of the meeting held on 2 November 2022.

## 63 CHAIR'S COMMUNICATIONS

## 64 PUBLIC QUESTIONS

**Written Questions:** To receive any questions submitted by the due date of 12 noon on 1 December 2022.

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

**66 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.*

**Public Speakers Note:** A person wishing to speak at a meeting of the Committee shall give written notice of their intention to do so to the Democratic Services Officer four clear days before the meeting (normally, the Committee meets on Wednesdays which means the notice has to be received by 5.30pm the preceding Friday). Please email Democratic Services at: [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

**MAJOR APPLICATIONS**

- |   |   |                 |
|---|---|-----------------|
| A | BH2022/02830 - Hove Western Lawns and Hove Lagoon, Kingsway, Hove - Full Planning | <b>13 - 64</b>  |
| B | BH2022/02167 - 35 - 36 Egremont Place, Brighton - Full Planning                   | <b>65 - 96</b>  |
| C | BH2022/01063 - Moulsecoomb Hub North, Hodshrove Lane, Brighton - Full Planning    | <b>97 - 158</b> |

**MINOR APPLICATIONS**

- |   |   |                  |
|---|---|------------------|
| D | BH2022/02562 - Montpelier Inn 7-8 Montpelier Place Brighton - Full Planning | <b>159 - 176</b> |
| E | BH2022/02465 - 23 Brooker Street, Hove - Full Planning                      | <b>177 - 188</b> |
| F | BH2022/02842 - 94 Western Road, Brighton - Full Planning                    | <b>189 - 200</b> |
| G | BH2022/02278 - 7 Meadow Close, Hove - Full Planning                         | <b>201 - 212</b> |
| H | BH2022/02281 - St Marys Church, Surrenden Road, Brighton - Full Planning    | <b>213 - 226</b> |

I	BH2022/02956 - Land to the Rear and Side of 48 Lockwood Crescent, Brighton - Full Planning	<b>227 - 244</b>
J	BH2022/02433 - 56 - 57 and 56A Boundary Road, Hove - Full Planning	<b>245 - 260</b>
K	BH2022/02826 - 16 Chichester Place, Brighton - Full Planning	<b>261 - 270</b>
L	BH2022/01324 - 118A St James's Street, Brighton - Full Planning	<b>271 - 288</b>
M	BH2022/02391 - The Coach House, 1 Namrik Mews, Hove - Householder Planning Consent	<b>289 - 300</b>

**67 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**

**68 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **301 - 302**

(copy attached).

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

None for this agenda.

**70 APPEAL DECISIONS** **303 - 306**

(copy attached).

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



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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting. Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Shaun Hughes via 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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Date of Publication - Tuesday, 29 November 2022



**BRIGHTON AND HOVE CITY COUNCIL**  
**PLANNING COMMITTEE**  
**2.00pm 2 NOVEMBER 2022**  
**COUNCIL CHAMBER, HOVE TOWN HALL**  
**MINUTES**

**Present:** Councillors Littman (Chair), Ebel (Deputy Chair), Childs, Janio, Moonan (Opposition Spokesperson), Yates, Gibson and Hugh-Jones

**Apologies:** Councillors Barnett, Hills, Shanks and Theobald

**Substitutes attending:** Councillors Hugh-Jones and Gibson

**Officers in attendance:** Nicola Hurley (Planning Manager), Jane Moseley (Planning Manager), Katie Kam (Senior Lawyer), Don Anyiam (Highway Agreements Officer), Chris Swain (Planning Team Leader), Sonia Gillam (Senior Planning Officer), Emma Kumar (Housing Enabling Officer), Steve Dover (Planning Officer), Wayne Nee (Principal Planning Officer) and Shaun Hughes (Democratic Services Officer)

**PART ONE**

**51 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

51.1 Councillor Hugh-Jones substituted for Councillor Shanks. Councillor Gibson substituted for Councillor Hills.

**b) Declarations of interests**

51.2 Councillor Janio stated they had expressed views on the Madeira Terrace proposals at full council and would withdraw from the debate when items D and E were discussed.

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

51.3 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.

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

**52 MINUTES OF THE PREVIOUS MEETING**

- 52.1 **RESOLVED:** That the minutes of the meeting held on 5 October 2022 were accepted as a correct record.

**53 CHAIR'S COMMUNICATIONS**

- 53.1 The Chair stated: The most significant piece of news to emerge over the last month, ignoring the ongoing game of musical chairs being played at Downing Street, is Council's agreement to pass City Plan Part 2.

The ramifications of this are huge. Among other things, it allows this committee greater powers in determining whether the applications before us represent developments which are in the best interests of the city, now and into the future.

One thing that many members of the public find surprising, and that includes most newly elected Councillors, is how little power Local Planning Authorities have to actually carry out local planning. As with all matters of Government, decision-making powers are heavily weighted in the favour of central Government. We live in the country with the most centralised Government powers of any country in Europe.

City Plan Part 2 does something to shift that balance in the direction of local democracy.

In practical terms, City Plan Part 2 means that local policies have full force. We will now be able to:

- Raise the quality and affordability of new homes
- Support the local economy
- Ensure developers engage with providers of the city's essential infrastructure
- Move towards carbon neutrality
- Ensure developments leave biodiversity in a measurably better state than it was before the development took place
- And protect our historic properties.

Brighton and Hove needs to keep developing. We're a vibrant city, we can't sit still. However, now we can take a little more control in order to ensure that what is developed is the sort of development we need and doesn't come at a cost of our existing built or natural environment.

I, for one, am looking forward to seeing what we can achieve.

**54 PUBLIC QUESTIONS**

- 54.1 There was one public question from Gareth Hall:

*In 2017 planning permission was given to demolish the tea pavilion in Hove Park and build a restaurant.*

*It was agreed that a healthy elm tree could be felled provided replacement trees were planted once the restaurant was built.*

*The tree was felled but the new build hadn't gone ahead.*

*Why does the planning committee not put a time limit between the felling of trees and the replacement of them?*

*Gareth Hall*

Response:

*Thank you for your question. Planning permission to replace the existing café was granted under delegated powers in June 2018 (reference BH2017/02095). The works allowed for the removal of the elm tree beside the existing cafe, with replacement tree-planting being required by condition. The condition required that the approved planting be carried out in the first planting season after the development was completed.*

*So, in answer to your question, the condition does specify a time limit for the replacement of trees lost to development, which is within the first planting season after the works are completed. However, local planning authorities have no power to ensure works are completed, or how long that process might take.*

*It is also worth noting that 'implementing' a planning permission can consist of as little as digging a trench. Thereafter, the permission remains 'live' and can be implemented at any future point.*

*In other words, we don't know whether or not the developer intends to complete the work at some point.*

*As a result, we could not put a time limit between the felling of trees and the replacement of them, since, in law, once implemented, the decision whether or not to go ahead with a development and the timetable for any such development, rest solely with the developer.*

*It should perhaps also be noted that any tree which is not subject to a Tree Preservation Order or lies within a conservation area, can be removed without consent.*

*Finally, as noted, this application did not come before this Committee. Personally, I think that is a real pity. Although we have no greater powers than do officers, and might easily have made the same decision, I believe democratic oversight might have been beneficial, especially had members had the chance to ask relevant questions. Unfortunately, since there was only one public objection, and the ward Councillors did not choose to ask for the application to be brought here, this did not happen.*

Do you have a supplementary question?

*Why is this down to the developer?*

Response:

*The legal stipulations state that the Local Planning Authority have no further powers on this matter. The Planning Manager will forward to legal wording being referred to.*

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

55.1 There none requested.

## **56 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

### **A BH2022/01855 - 62-63 Old Steine and 3 Palace Place, Brighton - Full Planning**

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

#### Answers to Committee Member Questions

2. Councillor Moonan was informed that there would be one disabled unit at ground floor level and no marketing of the building had been undertaken as a viability assessment had been undertaken on this council owned property. It was also noted that the property had wheelchair access by condition. The Housing Development & Acquisitions Manager noted that the June 2021 Housing committee agreed to release the building as part of the asset disposal strategy.
3. Councillor Yates was informed by the Highway Agreements Officer that the highways comments were there should be no parking for the property. It was noted that the cycle basement parking would require by discharge of condition to be demonstrated to be accessible. The Planning Manager stated that the cycle parking condition could be looked at. Councillor Yates suggested 'or alternative arrangements as with transport', and an informative to enforce.
4. The Planning Manager noted this was a car free development and stated that the process has changed from securing this via a condition and an informative can be attached instead which would alert the transport team to decide if residents would be restricted in accessing permits.

#### Debate

5. Councillor Hugh-Jones considered the access to cycle parking through three doors to be an issue.
6. Councillor Yates noted the property has a long history and considered the loss of office space in the city centre a concern. The councillor did not consider the cycle parking the best use of the underground space and requested more useful cycle parking be found.
7. Councillor Gibson supported the scheme with 100% affordable housing and high eco standards.
8. Councillor Janio considered that policy prevents conversion to accommodation. The councillor supported the application.

Vote

9. A vote was taken on the informative, and the committee agreed unanimously: Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.
  
10. A vote was taken on the changes to condition 8, and the committee agreed unanimously: Amend condition 8: 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 or an alternative arrangement has been agreed with the Local Planning Authority which is subsequently implemented. 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 DM36 of the Brighton & Hove City Plan Part Two, and SPD14 Parking Standards.

11. A vote was taken on the officer recommendations, and the committee agreed unanimously to grant planning permission.
  
12. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission a s106 agreement and the Conditions and Informatives as set out in the report.

**B BH2020/03583 - Kings House, Grand Avenue, Hove - Deed of Variation**

1. The Case Officer introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Moonan was informed by Steve Underwood of Southern Housing that the units would be marketed to the Council first and the properties would be 75% shared ownership.

Debate

3. Councillor Moonan considered the above usual 60% affordable housing to be very good and supported the application.
  
4. Councillor Yates considered the percentage to be good and supported the application.
  
5. Councillor Hugh-Jones supported the application.

Vote

6. A vote was taken, and the committee agreed unanimously to agree the Deed of Variation.
7. **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** a Deed of Variation to the following Head of Term for the S106 Agreement in respect of Affordable Housing in order to remove the requirement for a commuted sum and remove the requirement for a review mechanism.

**C BH2017/01665 & BH2020/03619 - Whitehawk Clinic, Whitehawk Road, Brighton - Deed of Variation**

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

Speakers

2. Daniel Harris addressed the committee as concerned resident and they noted that the land was a council asset, however the rehabilitation centre has been lost from the site. The speaker considered it important that the council 'push back' against the developer and noted that no viability assessment had been undertaken. Following the Knoll House evictions there was more need for homes and commuted sum of £56,000 was too little. The community are considered to be demoralised; therefore, the committee are requested to reject the application.
3. Guy Dixon addressed the committee as the agent for the applicant and noted that the client was in financial difficulties and work on the site was 'stop-start'. 15 affordable housing units is not viable now. 26% affordable housing and £56,000 are suggested. The committee are requested to approve the application.
4. The Planning Manager noted that objections had been received from Councillor Williams and Councillor Platts.

Answers to Committee Member Questions

5. Councillor Moonan was informed that the size and tenure were flexible to provide the best chance for a regulated provider to be interested. It was noted the regulated provider could say no to the development. The Housing Enabling Officer noted that small developments with few units are difficult for the council or regulated providers. It was noted that shared ownership is usually better for regulated providers. The council prefer on site affordable housing; however, a commuted sum is acceptable.
6. Councillor Yates was informed by the Housing Enabling Officer that the total commuted sum would be £1.1m. The Planning Manager noted that a viability assessment has taken place and the £56,000 was not equal to 5 units.
7. Councillor Hugh-Jones was informed by Lloyd King of Southern Homes that the demolition and enabling works proved very expensive and the District Valuer Service (DVS) revised report was accepted by Martin Homes. 10 units is the maximum number of units the scheme can viably sustain.



8. Councillor Gibson was informed by Lloyd King that the contingency fund was 5% as agreed with DVS, and this has been used already. Profits were estimated by DVS and Martin Homes disagreed but accepted were 17.5% on private and 6% on affordable housing.
9. The Planning Manager noted that Planning policy guidance finds 15 to 20% acceptable and informed Councillor Gibson that 10 affordable units could be added to the Heads of Terms.
10. Councillor Childs was informed by Lloyd King that they were unable to say if the developers will make a profit at this time.
11. Councillor Yates was further informed that it was within the applicants right to put the application before the committee and change items later on, and the council had to accept this.
12. Councillor Janio was informed by Guy Dixon that the lender was unhappy at the current position and the scheme cannot be finished if the application is not agreed. Lloyd King noted that a review mechanism forms part of the conditions suggested in the recommendations. It was noted that agreement at committee would allow the scheme to be completed.
13. Councillor Moonan was further informed by the Planning Manager that they would get back to the Member regarding how much was in the council commuted sum pot and where it will be used. It was noted that a report would be submitted on this matter to TECC.
14. Councillor Ebel was informed that the affordable housing could not be reduced under the review mechanism.
15. Councillor Gibson was further informed by Housing Enabling Officer that the commuted sum would usually be paid at an early stage. Guy Dixon confirmed there was approximately two months' work left on the scheme.

#### Debate

16. Councillor Moonan considered the regulated providers need to be looked at and the council should look at small sites. It was considered that mix use developments are good in the city.
17. Councillor Janio considered that the developer needed to make a profit and supported the application.
18. Councillor Gibson noted the scheme was two months away from being completed and considered that each home purchase would be around £75,000, therefore £1.1m equals 14 homes. The councillor considered mixed communities to be good, but the council need to maximise money.
19. Councillor Hugh-Jones noted the site looks close to being finished and considered the situation to be awful as the affordable housing would be reduced.

20. Councillor Childs did not support the application as it put profit before housing.
21. Councillor Yates did not feel able to vote for the application as this would mean the developer could come back and change what was previously agreed. Affordable housing is needed everywhere, especially in this community.
22. Councillor Littman stated they were unhappy with the application as it reduced affordable housing.

Vote

23. A vote was taken, and by 7 to 1 the committee refused the officer recommendation to approve.

24. An alternative recommendation was proposed by Councillor Yates and seconded by Councillor Childs: Members refused the deed of variation on the basis that it would not give sufficient confidence that the scheme would deliver an acceptable level of affordable housing in the city.

Vote

25. A recorded vote was taken, and the following Councillors voted for the alternative recommendation against the officer recommendation: Councillors Ebel, Childs, Moonan, Yates, Gibson, Hugh-Jones and Littman. Councillor Janio voted against the alternative recommendation.

#### **D BH2022/02577 - Madeira Terrace, Madeira Drive, Brighton - Full Planning**

1. The Planning Manager introduced applications D and E to the committee, stating they would be discussed at the same time. The case officer updated the committee and stated that one further letter of support had been received and two letters of objection. No new issues had been raised apart from location.

Answers to Committee Member Questions

2. Councillor Yates was informed by the case officer that the new lift had been considered at pre-application stage when the design, usability and materials had been considered. There are maintenance plans in place. The existing lift will be updated removing the necessity for operator and the by condition there will be management and maintenance plans. The lift will operate all hours, be wheelchair accessible, with entrances lit at night.
3. Councillor Moonan was informed by the case officer that there were no specific plans for water fountains, however, these would not require planning permission. There were conditions referring to maintenance plans for the lift and management. The lower level will be flexible use for Pop-up events with seating, space allowed, drainage, water and electric points included.
4. Councillor Yates was further informed that the upper level balustrade public safety issues were not a planning matter.

5. Councillor Childs was informed by the case officer that 22 car parking spaces would be lost to create 3 access points from the verges with pedestrian crossings. A conscious effort had been made to make the design of the new lift different from the existing, allowing the older lift to retain prominence in the terrace.

#### Debate

6. Councillor Yates supported the changes and updates of this area that is the jewel of the city. The councillor did not want to lose the promenade area and considered the design met the needs of the city. The proposals improve the area with better access through the lifts and stairs for this key way of getting to the beach. The promenade is heritage asset, and the proposals enhance and protect the area.
7. Councillor Ebel considered the proposals to be a good design with flexible spaces under the arches being good for pop-up events. The improvements in lifts and stairs improved accessibility. The Councillor supported the application.
8. Councillor Childs considered the area was currently an embarrassment to the city and the design of the new lift was not good, however, the Councillor supported the application.
9. Councillor Littman supported the application as it was a good design, and the accessibility was good. Historic England support the lift design and the access outweighed any impact.

#### Vote

#### Item D: Planning Permission

10. A vote was taken, and the committee agreed unanimously to grant planning permission. (Councillors Hugh-Jones and Janio took no part in the decision making process or vote).
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 **GRANT** planning permission subject to the Conditions and Informatives in the report.

#### Item E: Listed Building Consent

12. A vote was taken, and the committee agreed unanimously to grant planning permission. (Councillors Hugh-Jones and Janio took no part in the decision making process or vote).
13. **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** Listed Building Consent subject to the Conditions and Informatives in the report.

#### **E BH2022/02578 - Madeira Terrace, Madeira Drive, Brighton - Listed Building Consent**

1. Applications D and E were discussed at the same time. For minutes, please see item D.

## Vote

2. A vote was taken, and the committee agreed unanimously to grant listed building consent. (Councillors Hugh-Jones and Janio took no part in the decision making process or vote).
3. **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** Listed Building Consent subject to the Conditions and Informatives in the report.

**F BH2022/02324 - 13 Hailsham Avenue, Saltdean - Householder Planning Consent**

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

## Speakers

2. Toby Amies addressed the committee as objecting neighbour and requested that the committee defer the application until a site visit could take place. Under City Plan Part 2 the committee cannot grant planning permission as the external materials were not mentioned in the plans, which didn't seem fitting to the estate. In new builds balconies are not allowed to overlook, this development will overlook the residents house, and the suggested frosted glass to protect privacy will not be enough. The proposals are not well designed and there will be a loss of garden space. The committee were requested to refuse the application.
3. Charlie Sharps addressed the committee as the applicant and stated they could not move so needed to develop the existing property. The proposals have been designed to fit into the estate. The property already overlooks the neighbour to the rear and there is no gain in height to the property. The development is simply to help family and is not outrageous. It is noted that a neighbour nearby with a similar scheme has been approved. The speaker stated they were not a property developer and loved the area and wanted to stay there. The building guidelines have been adhered to.

## Answers to Committee Member Questions

4. Councillor Janio was informed by the case officer that the footprint was similar there was no side extension proposed.
5. Councillor Yates was informed that the colour of the dormer needed to be similar to the existing roof to be permitted development otherwise planning permission would be required.

## Debate

6. Councillor Yates noted that moving the roofline forward and changing the colour required planning permission otherwise the proposals could easily be permitted development. The councillor supported the application.

## Vote

7. A vote was taken, and the committee agreed unanimously to grant planning permission. (Councillor Hugh-Jones took no part in the decision making process or vote).

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 BH2022/01505 - Brighton and Hove High School, Montpelier Road, Brighton - Listed Building Consent**

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 set out in the report.

**H BH2022/02872 - Brighton Dome, Brighton Museum and Art Gallery, Church Street and New Road, Brighton - Listed Building Consent**

3. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

4. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons, or the recommendation set out in the report and resolves to be **MINDED TO GRANT** Listed Building Consent subject to the receipt of no further representations raising additional material considerations within the re-consultation period ending **28 October 2022** and the Conditions and Informatives in the report.

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

57.1 There were none.

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

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

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

59.1 There were none for this meeting.

**60 APPEAL DECISIONS**

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

The meeting concluded at 4.50pm

Signed

Chair

Dated this

day of

# **ITEM A**

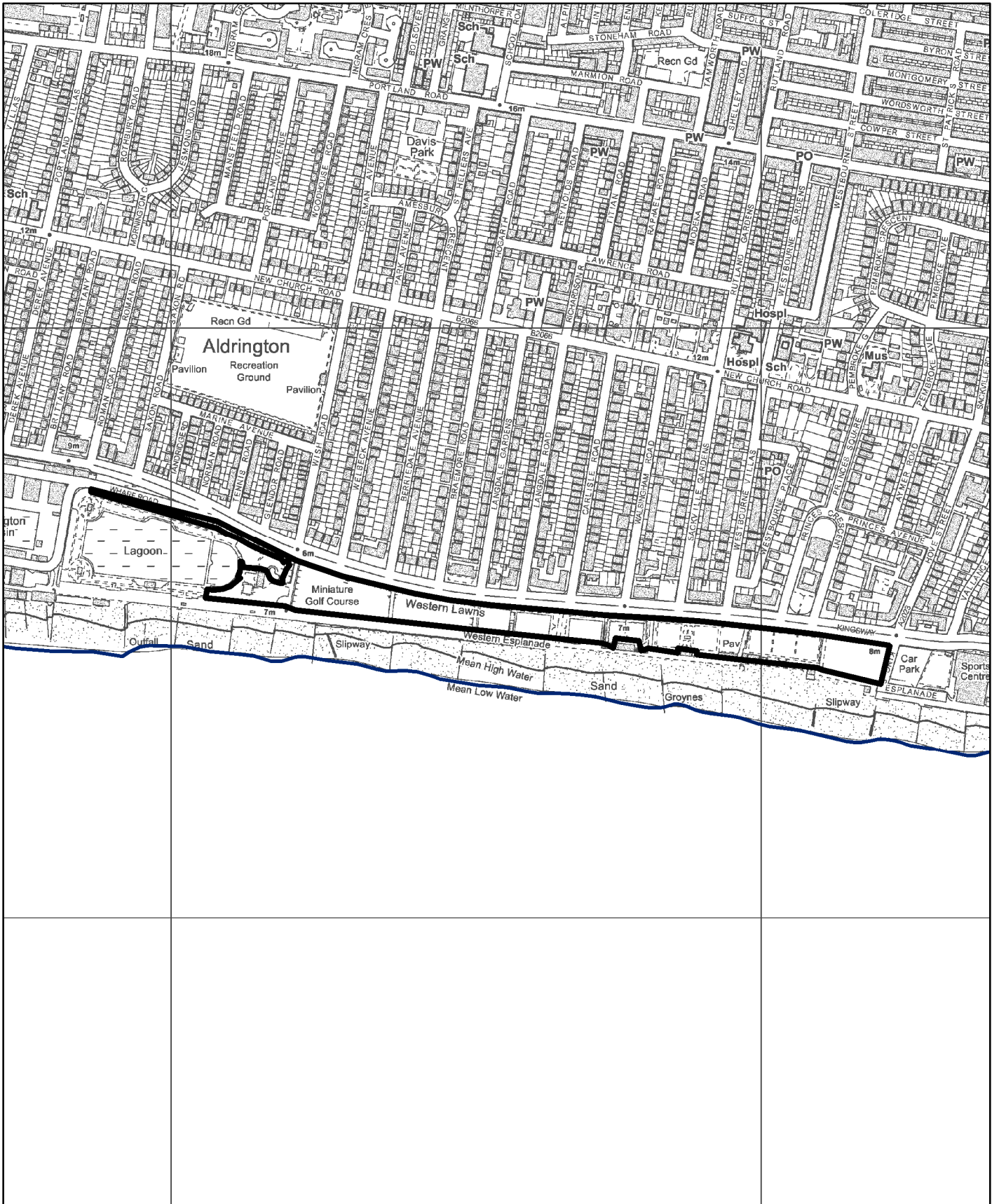
**Hove Western Lawns and Hove Lagoon  
BH2022/02830  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**





# BH2022 02830 - Hove Western Lawns And Hove Lagoon



**Scale: 1:9,000**



<b><u>No:</u></b>	<b>BH2022/02830</b>	<b><u>Ward:</u></b>	<b>Westbourne Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Hove Western Lawns And Hove Lagoon Kingsway Hove BN3 4FA</b>		
<b><u>Proposal:</u></b>	<b>Redevelopment of Hove Western Lawns as a Linear Park, incorporating refurbishment of existing and new public leisure and recreation amenities including (east to west): Temporary Events Space; Garden; Bowls; Demolition of existing buildings and Erection of Two-storey Outdoor Sports Hub building (including Bowls Club (Class Use F2), Public Cafe (E) and Public WCs); Garden; Croquet; Sand Sports (F2); Sunken Garden; Padel Tennis (F2); Tennis including new Single-storey Tennis and Padel Tennis Pavilion (E); Garden; Wheeled Sports including Skate Park, Pump Track and Roller Area (F2); relocation of Hove Lagoon Amusements and Public WC improvements at the Big Beach Cafe. New and replacement Hard and Soft Landscaping and Planting, including continuous new accessible and connected route throughout linking all spaces, and associated Public Realm improvements.</b>		
<b><u>Officer:</u></b>	Wayne Nee, tel: 292132	<b><u>Valid Date:</u></b>	07.09.2022
<b><u>Con Area:</u></b>	Pembroke & Princes & Sackville Gardens	<b><u>Expiry Date:</u></b>	07.12.2022
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Brighton & Hove City Council Culture, Tourism And Sport Hove Town Hall Norton Road Hove BN3 3BQ		
<b><u>Applicant:</u></b>	Brighton & Hove City Council Culture, Tourism And Sport Hove Town Hall Norton Road Hove BN3 3BQ		

## 1. RECOMMENDATION

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:

- 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	001		7 September 2022
Proposed Drawing	002		7 September 2022
Proposed Drawing	003		7 September 2022
Proposed Drawing	005		7 September 2022
Proposed Drawing	006		7 September 2022
Proposed Drawing	007		7 September 2022
Proposed Drawing	030		7 September 2022

Proposed Drawing	035	B	21 November 2022
Proposed Drawing	036		7 September 2022
Proposed Drawing	040	B	21 November 2022
Proposed Drawing	041		7 September 2022
Proposed Drawing	042		7 September 2022
Proposed Drawing	050		7 September 2022
Proposed Drawing	051		7 September 2022
Proposed Drawing	061		7 September 2022
Proposed Drawing	062		7 September 2022
Proposed Drawing	063		7 September 2022
Proposed Drawing	064		7 September 2022
Proposed Drawing	065		7 September 2022
Proposed Drawing	071		7 September 2022
Proposed Drawing	073		7 September 2022
Proposed Drawing	074		7 September 2022
Proposed Drawing	076		7 September 2022
Proposed Drawing	078		7 September 2022
Proposed Drawing	KTTS01_1		7 September 2022
Proposed Drawing	KTTS02_1		7 September 2022
Proposed Drawing	KTTS03_1		7 September 2022
Proposed Drawing	KTTS04_1		7 September 2022
Location Plan	2102-PL-E-000		7 September 2022
Proposed Drawing	2102-PL-P-010		15 November 2022
Proposed Drawing	2102-PL-P-011		15 November 2022
Proposed Drawing	2102-PL-P-012		15 November 2022
Proposed Drawing	2102-PL-P-013		15 November 2022
Proposed Drawing	2102-PL-P-014		15 November 2022
Proposed Drawing	2102-PL-P-015		15 November 2022
Proposed Drawing	2102-PL-P-120		7 September 2022
Proposed Drawing	2102-PL-P-121		7 September 2022
Proposed Drawing	2102-PL-P-122		7 September 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. Other than the proposed enabling works, no development shall commence until a method statement for the protection 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.

4. (a) Other than the enabling works (but not including the levelling of the ground), no development shall commence until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.
- (b) Each of the following phases of the development:
  - i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

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

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

6. Other than the proposed enabling works, no development shall commence 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 scheme shall include details of final designs for all permeable surfaces, gullies, infiltration trenches including confirmed arrangements and construction drawings (permeable pavings and soakaways). The scheme shall also include a complete assessment of water contamination risk and mitigation potential of proposed SuDS measures, with reference to the CIRIA SuDS Manual. 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 Policy DM43 of City Plan Part 2 and CP11 of the Brighton & Hove City Plan Part One.

7. Other than the proposed enabling works, no development shall commence until a scheme for the protection of the retained vegetation and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting of vegetation which is to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

8. Other than the proposed enabling works, no development shall commence until an Employment and Training Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall

- set out how the Owner or its subcontractors will work with the Council and its partners to encourage employment of local construction workers during the demolition and construction of the Proposed Development with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the Proposed Development shall be taken by the Brighton & Hove workforce
- include a list of skills and the number of different construction workers estimated as being required during the different development phases; and
- require the Owner or its subcontractors to provide monthly figures on the number of employees from the Brighton & Hove workforce to the Local Employment Scheme Co-ordinator to enable the Council to monitor the impact of the construction of the Proposed Development on the local labour market.
- promote education and training opportunities in construction of the Proposed Development in conjunction with the Council's Local Employment Scheme Co-ordinator and local schools further education colleges and universities (via open days presentations and other engagement activities)

The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** To ensure use of the local labour market is used to promote sustainable development and to comply with Policy CP2 of the Brighton & Hove City Plan Part One.

9. Prior to demolition of the existing Bowls Clubhouse, full details of remedial works and enhancements for the north elevation of the beach chalet block shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

10. No development above ground floor slab level to the Outdoor Sports Hub hereby permitted shall commence until full design details of the exterior of the building, including 1:20 scale elevations of doors and windows, and 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. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

11. Prior to any works to the south boundary decorative wall, full details of repair/enhancement work to the wall shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of removal of metal barriers, details of any proposed seating/public art/storage uses, and full details of any light fittings associated with feature light illumination including their positions, fixings, appearance and finishes. The Development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

12. No development above ground floor slab level to the Tennis Pavilion hereby permitted shall commence until full design details of the exterior of the building, including 1:20 scale elevations of doors and windows, and 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. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

13. No development above ground floor slab level of any new building hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.
14. Prior to each of the following elements of the development hereby permitted are brought into use:  
 (a) Wheeled Sports Plaza  
 (b) Padel Tennis Courts  
 (c) Outdoor Sports Hub building  
 (d) Events Green  
 a management plan for each, setting out noise management and safety measures shall be submitted to and approved by the Local Planning Authority. The development shall be operated in accordance with the approved management plans and thereafter maintained.  
**Reason:** To safeguard the amenities of the locality and to comply with policy CP15 of the City Plan Part One and DM20 and DM40 of Brighton & Hove City Plan Part Two.'
15. The Outdoor Sports Hub shall not be brought into use until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove 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. Each of the following phases of the development:  
 i. Phase A (Wheeled Sports and West Garden)  
 ii. Phase B (Tennis and Padel Tennis)  
 iii. Phase C1 (Sunken Garden)  
 iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)  
 v. Phase D (Outdoor Sports Hub and Bowls Area)  
 vi. Phase E (Events)  
 vii. Phase F (Lagoon)  
 shall not be brought into use until



- a) details of all external lighting (including any sports floodlighting), which shall include details of their positions, fixings, appearance, finishes, levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing for each phase by the Local Planning Authority.
- b) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20, DM26, DM28 and DM40 of Brighton & Hove City Plan Part 2.

17. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until full details (including samples) of the proposed public realm improvement scheme shall be submitted to and approved in writing for each phase by the Local Planning Authority. The submission shall include details with regards layout, materials, colour palate, signage, street furniture, informal play features, and infrastructure for live events. The maintenance details and future management plan are also required. The development shall be carried out in accordance with the approved details and maintained thereafter.

**Reason:** In order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.

18. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until full details of the surface materials, and a plan detailing the positions, height, design, materials and type of all proposed boundary treatments for the sports facilities shall has been submitted to and

approved in writing for each phase by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18/DM21/DM21/DM27 of Brighton & Hove City Plan Part 2, and CP12/CP15/CP13 of the Brighton & Hove City Plan Part

19. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until a scheme for landscaping shall be submitted to and approved in writing for each phase by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

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

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

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

20. No works to the sunken garden shall commence until full details of the sunken garden area, including any measures to protect and minimise the loss of historic features, including historic material, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

21. No phase of the development hereby permitted shall be brought into use until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - 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.

22. The redeveloped Live Events green space shall not be brought into use until the proposed scheme of public art has been submitted to and approved in writing by the Local Planning Authority and implemented within 6 months of first use of the Live Events green space.

**Reason:** In order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.

23. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

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

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy DM33 of City Plan Part Two.

24. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until a scheme detailing the design of internal streets and spaces as built has been submitted to and approved in writing for each phase by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following:

- a) Geometry and layout, including dimensions and visibility splays
- b) Pavement constructions and surfacing, kerbs and edge restraints
- c) Levels and gradients
- d) Traffic signs and road markings

If the scheme proposes that any areas are shared between pedestrians and vehicles or where recommendations in Guidance on the Use of Tactile Paving Surfaces are not met, then relevant disabled user groups (and/or national organisations representing them) shall be engaged as part of the design development process and the submitted scheme shall include both of the following.

**Reason:** To ensure signage and markings are considered where delivery and servicing vehicles will enter the site, and to consider the same for pedestrian entrances. In the interest of safety, inclusivity, sustainability, quality design, the historic environment and public amenity and to comply with policies SA1, CP5, CP7, CP9, and CP13, CP16 of City Plan Part One, DM33, DM34, DM35, DM36, DM37 of City Plan Part Two, and National Planning Policy Framework paragraphs 108-110.

25. The redeveloped Live Events green space shall not be brought into use until a scheme of highway works setting out full details of the following works:
- (a) the new vehicle crossover to the events space on Hove Street (South).
  - (b) new pedestrian access points on Hove Street
  - (c) amend existing or introduce new Traffic Regulation Orders and/or carry out all highway works necessary to facilitate the above;

has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with Policy DM33 of the Brighton & Hove City Plan Part 2

26. The Outdoor Sports Hub hereby permitted shall not be used/occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.
26. Within 6 months of first occupation of the Outdoor Sports Hub hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
27. The Outdoor Sports Hub premises shall be used as a café/restaurant and local community facilities (Use Class E(b) and Class F.2) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions 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), no change of use shall occur without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with Policy DM18/DM21 of Brighton & Hove City Plan Part 2.
28. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal, Urban Edge Environmental Consulting, June 2022 (Recommendations R3 to R9 and R11 to R18) and the Bat Survey Report, Urban Edge Environmental Consulting, October 2022 (Recommendations R1 to E3) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of Brighton & Hove City Council's City Plan Part One and Policy DM37 of the City Plan Part Two.

29. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.

30. All demolition and construction works for the proposal site shall be carried out in accordance with the documents submitted and secured with the application:

- Construction Phase Health and Safety Plan
- KWTTS Logistics Review
- Phasing Logistics
- Traffic Management Plan

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

31. The Outdoor Sports Hub premises hereby permitted shall not be in use by customers except between the hours of 08:00 and 00:00 on Mondays to Sundays, including Bank or Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

32. The floodlighting for the closed court sports and wheeled sports floodlighting shall only be in use between the hours of 08:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

33. No live events shall take place on site except between the hours of 08:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

34. The Outdoor Sports Hub hereby permitted shall achieve a minimum energy Performance Certificate EPC rating 'C'.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Sussex Police advise the applicant and their partners to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site. Please also have regard to the Sussex Police recommendations on lighting and seeking advice from Sussex Police Counter Terrorism Security Advisers.
3. The Council Air Quality Officer has recommended the developer ensure regular HGV serving construction of the site meet as minimum the euro-VI-D emissions standard. Also that all non-road mobile machinery (including bulldozers) on site should meet at least stage IIIB, and stage IV emission standards after 1st January 2025.
4. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).
5. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out.
6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
7. The applicant is advised that the details of external lighting required by condition should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Obtrusive Light GN01-21' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution

Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

8. The applicant is advised that notwithstanding the approval of planning permission, future activity involving live events may require separate planning applications. It should be noted that Part 4 Class A of the GDPO (General Permitted Development Order 2015) allows the use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of events (as well as the provision on the land of any moveable structure for the purposes of the permitted use).
9. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
10. 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 27% reduction in carbon emissions against Part L 2013.

## **2. SITE LOCATION**

- 2.1 The application relates to Hove Western Lawns and Hove Lagoon public realm located between the A259 (Kingsway) and the seafront Esplanade. Hove Western Lawns comprises a sequence of open public green spaces, and also including (from east to west) bowls and croquet greens, tennis courts, MUGA (Multi-Use Games Area), and (former) pitch & putt spaces. The spaces are separated by a series of north-south public access pedestrian routes between Kingsway and the Esplanade (which also provide restricted vehicle access). The site encompasses approximately 1.5km of the West Hove seafront bookended by Basin Road South/Shoreham Port to the west, and Hove Street/King Alfred site to the east. The existing spaces from the east boundary to up to the existing public WCs are generally level with the surrounding access points to the site, however the rest of the site westwards are sunken below the footpath levels, and generally increase so up to Hove Lagoon.
- 2.2 The wider Western Esplanade, Western Lawns and Hove Lagoon form part of the historic character of this area as part of the Hove seafront promenade and are a locally listed heritage asset. Sackville Gardens Conservation Area and Pembroke & Princes Conservation Area cover the eastern side of the site after the tennis courts. Western Esplanade, Western Lawns and Hove Lagoon are Locally Listed. The Art Deco Western Bowls Pavilion (in use as Public WCs) is separately locally listed, but lies outside of the site boundary. There is a Locally Listed wall along most of the south side behind the Esplanade (from the existing Bowling Clubhouse to Hove Lagoon). Due to the sunken levels of the gardens,



the decorative wall is prominently visible from the north on Kingsway acting (along with the beach huts behind) as a backdrop to the garden spaces.

- 2.3 The Grade II listed Barford Court (157 Kingsway) and its boundary wall (opposite the proposed sports hub building) is in close proximity on the north side of Kingsway. The three seafront shelters along the west stretch of the Esplanade are also listed Grade II.
- 2.4 To the north are predominantly residential properties, which benefit from a largely unobstructed southerly aspect with high levels of natural light. The King Alfred/RNR site (with car park) is to the east, and the Aldrington Basin employment/Mixed Use Area site to the west. There are rows of beach huts and Rockwater restaurant/café at the site boundary to the south, with the esplanade and beach beyond. Within and adjoining the site, there is a line of low-level brick buildings which include public conveniences and sports pavilions associated with the use of the Greens.
- 2.5 The A259 coast road runs adjacent to the northern boundary of the site, with the National Cycle Network National Route 2 (NCN2) in between. All land within the application site is under ownership of Brighton & Hove City Council.

### 3. RELEVANT HISTORY

**BH2009/02566** (Former Land to Rear of Hove Lagoon Watersports Centre) Erection of 17 beach huts - Approved 06/01/2010

**BH2009/01300** (Pavilion Café) Installation of solar panel to roof, disabled ramp to main entrance, smoking area and dog shelter (portable). Replacement of crittal metal windows to match existing. (Part retrospective) - Approved 14/08/2009

**BH2003/02803/CA** (Babylon Lounge) Demolition of a number of existing shelters on Western Lawns - Appeal dismissed 29.09.2004

**BH2003/03122/FP** (The Beach, Kingsway) Skate park to include mini ramp and skating area - Approved 01/12/2003

**BH1999/00445/FP** (Hove Lagoon Café) Paddling pool with side addition to existing cafe building as plant room for the pool - Approved 29/03/1999

#### Rockwater Kingsway:

**BH2022/01515** Non-Material Amendment to BH2021/01999, incorporating alterations to approved lift, to improve access - Approved 27/05/2022

**BH2021/03900** Retention of six existing timber "beach huts" adjacent to the main building for a period of 3 years - Approved 03/02/2022

**BH2021/01999** Part-retrospective application for external alterations and extensions including a glazed first floor extension above existing flat roof, new lift to roof terrace from promenade level, glazed pergola extension to north west lower ground floor, booth seating, a fire pit with canopy/chimney and bonded gravel surround to the north east side of the lower ground floor and an area of decking with balustrade to the beach south of the site, as approved under application BH2020/02211, without compliance with conditions 1, 4 and 5 of said permission - Approved 05/08/2021

**BH2021/00229** Retention of existing six timber "beach huts" adjacent to the main building for a period of 6 months - Approved 16/06/2021

**BH2020/02211** External alterations and extensions including a glazed first floor extension above existing flat roof, new lift to roof terrace from promenade level, glazed pergola extension to north-west lower ground floor, booth seating, a fire pit with canopy/chimney and bonded gravel surround to the north east side of the lower ground floor and an area of decking with balustrade to the beach south of the site. (Part Retrospective) - Approved 29/01/2021

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

- 4.1 Planning permission is sought for redevelopment of Hove Western Lawns as a linear park between Hove Street to the east and Hove Lagoon to the west. The proposal comprises coordinated public realm improvements and enhanced landscaping with a new pedestrian-based accessible route through the site. The proposal would incorporate refurbishment of existing open spaces and public leisure/ recreation amenities. This would include provision of new outdoor sports and recreation facilities, and would be supported by new buildings providing an outdoor sports hub, café, toilets, and separate tennis pavilion.
- 4.2 The full proposals are summarised as follows (east to west along site):
- Relocation of Hove Lagoon Amusements into existing location of skate park, providing space for a new lawned recreational area to the south-west of Big Beach Café.
  - Public WC alterations at the Big Beach Café in Hove Lagoon, including single storey extension to create changing places unit.
  - Removal of existing pitch and putt green to create new Wheeled Sports including Skate Park, Pump Track and Roller Area (Class Use F2), in part new and in part replace existing skate park at Hove Lagoon.
  - Park Garden to replace existing pitch and putt green.
  - Replacement Tennis Courts including new Single-storey Tennis and Padel Tennis Pavilion (Class Use E/F2), with removal of existing MUGA.
  - New Padel Tennis (Class Use F2) in place of existing tennis courts.
  - Redevelopment of existing Sunken Garden.
  - New Sand Sports (F2) to replace existing lawn.
  - Retention and upgrade of Croquet Lawn and Club.
  - Public Garden to replace existing lawn.
  - Demolition of existing buildings and erection of Two-storey Outdoor Sports Hub building (including Bowls Club (Class Use F2), Public Cafe (E) and Public WCs).
  - Retention and upgrade of existing bowling greens.
  - Park Garden to replace existing lawn/bowling green.
  - Upgrade of existing lawn to formalise as Temporary Events Space
- 4.3 Amendments during the application were submitted to re-distribute trees away from north boundary, and minor alterations to internal layout, fenestration and detailing of Outdoor Sports Hub building.

- 4.4 Pre-application advice: The development has been influenced by pre-application feedback from officers in relation to amongst other issues, the impact on heritage assets, biodiversity and nature conservation, visual impact, and highways. The pre-application process included engagement with the Design South East Review Panel. The proposals have developed further since pre-application and includes further detail on the Outdoor Sports Hub building and the details of the proposed sports facilities.
- 4.5 The applicant has undertaken pre-application consultation, including involvement with local businesses, community groups, and local access groups. On-site community engagement sessions took place at Hove & Kingsway Bowling Club (mid-2021) and King Alfred (early 2022), with further engagement taking place online via the Council website. Feedback has been reviewed with stakeholders through the West Hove Seafront Action Group.
- 4.6 The proposals are funded by the Government's Levelling Up Fund and by Brighton and Hove City Council.

## 5. REPRESENTATIONS

**Forty Six (46)** letters have been received objecting to the proposed development for the following reasons:

- Noise
- Loss of Green Space/Natural Habitat
- Additional Traffic
- Loss of Dog Walking
- Light Pollution
- Poor Design
- Overdevelopment
- Anti-Social Behaviour
- Impact on Property Value
- Concern over Upkeep/Maintenance
- Negative Affect on Conservation Area
- Negative impact on Residential Amenity
- Insufficient Cycling/Public Transport/Parking/Access
- Height of Development
- Insufficient Toilets

**One hundred and twenty-four (124)** letters of representation have been received in support of the proposed development for the following reasons:

- Good Design
- Positive impact on Residential Amenity
- Area desperately needs investment.
- Wonderful for the community and will be beneficial to people of all ages
- Sympathetic to the environment and will be an improvement on the existing facilities and area.

- Excellent mix of uses for the space
- Wide variety of sports (especially Padel) alongside well landscaped green space
- Great idea to expand the skate park with pump track
- Floodlights will allow use of facilities for longer times
- Better linkage between each section is a very good idea

**Nine (9)** further letters have been received providing general comments on the application including as follows:

- A shame that three or four green areas will be concreted over
- More landscaped / wild areas would be so much more beneficial.
- There isn't a provision for upkeep in the budget
- Dog walkers will miss rewilded putting greens away from cyclists
- Concerns over Height, size and purpose of sports hub
- Concerns about the amount of existing bushes and grasses being removed
- Sports hub has dated design, too much brick rather than glass
- Additional café is unnecessary

A letter of support has been received from **Councillor Carmen Appich** – see attached letter.

**The Lawn Tennis Association (LTA)** have written in support of the application:

- Through various discussions with B&HCC colleagues we have supported the development of the current plans
- The proposal for 6 regenerated tennis courts and 4 new padel courts also aligns to the LTA's priorities.
- The proposal directly aligns to our priorities to open up the sport to more people.

## 6. CONSULTATIONS

### External

#### **Beach Access Team:** No Objection

The accessibility improvements through landscaping the site will mean the whole area is more accessible and inclusive to disabled people and families. Without these improvements, many disabled people will remain excluded from this vital public space and unable to enjoy the existing recreational and sports facilities on offer, with others not able to benefit from them equally compared to non-disabled residents. These improvements will dramatically increase the activities and spaces available to disabled people in the city, in an inclusive and integrated way. Improved toilet facilities and the hub building in particular will enable and allow other access needs to be met. It is significant that people will be able to enjoy this space for free and to feel included in our city.

Beach Access Team strongly support this application, which will make an important part of the seafront more accessible and attractive to both residents and tourists to visit.

#### **Brighton and Hove Archaeology Society:** Comment

The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development.

**Conservation Advisory Group: Objection**

The design and style of the proposed two-storey Sports Hub by its size, height and massing will be overpowering as well as blocking the sea view. The seafront promenade at this point of the proposed development is narrow at around 9ft wide. The building would feel high and oppressive to pedestrians passing by. The design and style of the proposed building does not take into consideration the Conservation Area's Character Statement and is out of the vernacular of existing seafront developments.

Also commented as follows:

- Unfortunate removal of mature Tamarisk Trees and green space to host the development.
- Potentially compromises the Victorian lamp stands located on the promenade.
- There is insufficient detail of how the new Temporary Events Space will look, or be operated. Any development on green space next to the King Alfred Centre could be perceived as 'mission creep.'
- Lack of plan setting out a continuous maintenance strategy of all elements of this application.

**County Archaeologist: No Objection**

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.

**County Ecologist: Comment**

Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

**East Sussex Fire and Safety: Comment**

As part of the redevelopment a new purpose sports hub/ Tennis and padel tennis pavilion are to be built, ESFRS strongly recommend the installation of fire sprinklers in all new developments, there is clear evidence that Automatic Fire Suppression Systems (AFSS) can be effective in the rapid suppression of fires and can therefore play an important role in achieving a range of benefits for both individuals and the community in general.

**Environment Agency: No Objection**

This length of coastline is managed by Brighton & Hove City Council engineers under the Coast Protect Act

**National Highways: No Objection**

The site is in in the vicinity of the A27 that forms part of the strategic road network. National Highways are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity.

**Noise Consultant:** Comment

It is relevant to note that the City Council as landlord already manages other skate park areas with the Level as a suitable example, so it is likely that there are transferrable lessons that might be applied to a new venue.

As part of the site improvements, infrastructure is proposed as part of the events space and this is welcomed and capable of being achieved through site specific management plans as well as landlord consents and licence conditions, all of which have separate regimes of control.

Whilst the planning application introduces a number of like for like uses, there is an overall feeling that site specific management plans and indeed lessons from the City Council's management of other similar sites will need to be in place to protect residents.

**Southern Water:** Comment

The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

**Sussex Police:** No objection

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid such a potential. Lighting is recommended for this application. Where it is implemented, it should conform to the recommendations within BS5489-1:2020.

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to recommendations having been given due consideration.

Internal

**Air Quality:** No Objection

Recommend approval with suggestions for low emission HGV and machinery involved with heavy lifting, earth moving, demolition and construction. The site will have considerable secure bicycle storage in accordance with the latest policies set out in City Plan Part 2.

**Arboriculture:** No Objection

With suggested comments incorporated into a refined landscaping plan, to be conditioned as part of the planning consent for the scheme, along with confirmation of the details of species selection, sizing and planting density, BHCC Arboriculture have no objections. A Tree Protection Plan specifying physical and ground protection for all retained vegetation, along with a construction method statement to be conditioned as part of consent and confirmed as acceptable pre-commencement.

**CityClean:** No Objection

**City Parks:** No Objection

BHCC Cityparks Operations has no objections and fully supports the Kingsway to the Sea project.

This site presents a highly challenging environment for planting establishment, failure rates are expected to slightly exceed usual levels for such an extensive planting scheme given coastal salt air, exposure to the prevailing winds and the aspect of the site. New shrub and hedging to be selected for coastal tolerance and of ecological benefit. The Landscape Architects are working with City Parks in plant selection. To ensure longevity and robustness of furniture on site (benches, fencing, hard surface, cycle stands) Landscape Architects are to work with CityParks' managers' experience and knowledge of the urban environment, prevailing weather conditions and potential vandalism and ASB.

**Economic Development:** No Objection

The regeneration of the open spaces for continued and enhanced use as public recreation and leisure amenities is supported by Economic Development. The current area is underutilized, and these proposals will rejuvenate the area as a destination to visit in West Hove as both a leisure and recreational destination.

The increase of no-residential floorspace would create more employment opportunities both during the works and after its completion. This uplift in employment will benefit the local economy.

**Employment and Skills:** Comment

Due to the size of this development, it would be categorised as a major development and as such would be subject to developer contributions in line with the council's Technical Guidance for Developer Contributions. Based on the information provided in the application, the contribution requested is £4925. In addition, as there will be demolition and construction phases involved in the development, separate Employment and Training strategies will be required.

**Environmental Health:** Comment

The appropriate detailed evidence should demonstrate that appropriate measures can and will be incorporated to attenuate/mitigate existing and/or potential problems in accordance with national policy and having regard to national and local guidance; and that the proposed lighting scheme is not obtrusive and does not negatively impact on public amenity.

The lighting scheme shall be implemented only after the hours of operation of lighting during the summer and winter; and strategy for limiting the light levels or intensity throughout their operation, to reduce obtrusiveness/light spill, have been agreed with the Local Planning Authority.

Before commencement of operation of the lighting scheme, the applicant shall appoint a suitably qualified member of the Institute of Lighting Professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01-21.

**Healthy Lifestyles Team: No Objection**

the new facility is designed in a way that favours learner skateboarders or those new to the sport and environment and is something that is desperately needed as an alternative to The Level Skatepark which is a very different location in the city and design which is largely oversubscribed and busy due to the popularity of the sport. This facility will offer a safe space for young people to practice and learn to skateboard and we plan to run many programmes on the site to encourage safe use for those who might feel intimidated, anxious or don't have access to skateboards and safety equipment

**Heritage: Objection**

The proposed works affect a number of designated and non-designated heritage assets. The potential for both heritage benefits and heritage harm as a result of the proposed development have been identified through a heritage impact assessment. Overall, it is considered that less than substantial harm would be caused, and this may be outweighed by wider public benefits that would result from the scheme.

The regeneration of these spaces for continued and enhanced use as public recreation and leisure amenities corresponds with their original development and is supported in principle by the Heritage Team. Works to improve accessibility for all are welcomed.

Whilst only slightly taller than the recently extended Rockwater to the west, it is far greater in scale than this (or any other building along this part of the seafront) and as such will be a prominent feature as viewed from the seafront Esplanade and Kingsway in both directions, direct and oblique views across the lawns, and also from parts of the built-up development of western Hove to the north.

As with the Heritage Team's objections to the first-floor extension of Rockwater, it is considered that the new building would be an over-prominent structure that would stand apart from its open surroundings and the established modest low-level structures along the Esplanade. The development of the scheme for the Sports Hub seeks to provide favourable comparisons with the Rockwater building, and it is acknowledged that details of the design mitigate some of the impact of the massing and that the context of this proposal is affected by the enlargement of the Rockwater building having taken place. It remains, however, that this comparison is with a structure that has a significantly smaller footprint than the current proposal and was itself considered unsupportable on heritage grounds due to its scale.

**Planning Policy: Comment**

The new and improved public realm, accessibility, facilities and landscaping are considered to accord with the overall priorities for the seafront, as well as the priorities for the Western Seafront area, are considered to be in accordance with policy SA1, CP13, CP9, DM33 and CP18 and are supported in this regard.

The proposals are considered to be in general accordance with policies CP16 and CP17 as they retain the open space and outdoor sports uses whilst bringing them into more effective use through the proposed improvements. In addition, the proposals are considered to meet policy CP17.6 which supports new sports facilities that improve variety of provision in the city and increase participation in sport and physical activity.

The proposed outdoor sports hub would result in the loss of a small amount of open space. However, Policy CP16.1c allows development which is ancillary to the use of



open space and there are no concerns in this regard. The outdoor sports hub would provide replacement community facilities for those demolished, supported by Policy DM9.2a.

**Seafront Development: No Objection**

The Seafront Team believe the scheme will greatly improve the appearance of the site and enhance the sports and leisure offer for residents and visitors to this area of the seafront. The mix of outdoor sports and green spaces has come about through extensive consultation and engagement with both existing stakeholders from the local community and new participants who are keen to utilise the space. The sports and leisure facilities offer dedicated space for a number of different sports and activities appealing to a wide age range of users.

The pump track and roller area will be the first of their kind in the city and will be eagerly welcomed by many cyclists and roller skaters who have been desperate for dedicated facilities for many years. The new sand sports area will be a welcome addition to the sports provision and will be well supported by a number of existing sand sports clubs and users who struggle to find court time in the city. The introduction of 4 Padel courts will create a highly sought-after facility. Claimed to be the fastest growing sport in the UK, Padel is endorsed by the Lawn Tennis Association as a fun, easy to learn and extremely sociable sport which can be played by groups of mixed ages and abilities together. This facility provides an ideal synergy with the 6 traditional tennis courts which will be located close by.

The new café and function room on the first floor will provide a rare opportunity for customers to sit at an elevated position directly next to the beach with un-interrupted views of the sea and along the park. The building will also be the new home for Hove & Kingsway Bowls Club with a custom designed clubhouse facility providing improved connectivity with the bowling greens for players and spectators. The new clubhouse replaces the old and tired Bowls Club buildings with modern, custom designed, energy efficient facilities all under one roof. This will help to encourage new players and members and provide a sustainable long-term future for the Bowls Club.

The creation of high quality publicly accessible sports facilities and introduction of the Outdoor Sports Hub building aligns with the council's strategy which seeks to increase footfall and promote the seafront as an all year round destination.

**Sports Facilities and Development: No Objection**

The BHCC Sports Facilities Team aim to improve the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for all residents. This is reinforced by Policy CP17. The proposal will provide a significant improvement to the city's sport's facility provision. It incorporates a range of formal and informal outdoor sport and leisure activities catering for a wide variety of users and age groups. This proposal is a really exciting new development for the city which will enhance and enable all round year provision and access.

**Sustainability: No objection**

The intention is expressed that the new building should be built with maximum energy efficiency, a highly insulated specification, and efficient mechanical and electrical services.

It is recommended that the new buildings achieve the BREEAM New Buildings "Very Good" rating, in line with City Plan Part 1 policy CP8. The new buildings and any significant alterations to existing buildings should achieve at least a 19% reduction in carbon emissions, and EPC 'B' rating, in line with emerging CPP2 policy DM44

**Sustainable Drainage:** No objection

The information submitted includes the surface water and foul water drainage strategy including drainage plans and accompanying information. Further details are requested when possible so that the proposed drainage system is adequately described, and its effectiveness demonstrated. The team recommend this application for a conditional approval such that the detailed design can be addressed at the relevant stage of the planning process.

**Sustainable Transport:** No Objection

The Local Highway Authority find this application acceptable subject to conditions. As noted in the Design and Access statement, with the exception of the eastern most lawn at Hove Street, none of the existing spaces are currently accessible according to the Equality Act 2010. The improvements to accessibility for the public proposed throughout the linear site are welcomed in this regard. Although there will be an intensification of use for the Sports Hub and the addition of a café, it is considered that the existing arrangements for servicing, deliveries will continue to work for the new planned layout. The new crossover is to be installed as part of the new cycle lane project. However, a S278 agreement will need to be secured to ensure a Road Safety Audit Stage 1 & 2 is completed.

Consideration of this scheme has been worked into the proposals via regular planning meetings between the applicant and the cycle lane project team. This is welcomed. The site has acceptable levels of public transport access.

A baseline estimate for network peak hour current site usage is given as 87 two-way person trips and 67 two-way vehicle trips during the evening peak. The Transport Statement states that the new bowls club could result in new trips, but they would be unlikely to be peak hour trips. We agree with this analysis. Given the unique combination of Skate Park and Pump Track it is likely that new trips will be generated by these elements, and we would expect to see a researched example used so that these could be factored into the trip generation within the Transport Statement.

**Tourism and Leisure:** No Objection

In order to sustain and grow visitor economy it is essential we continue to innovate and develop the portfolio of product in the City which appeals to both residents and visitors. The redevelopment proposal of Hove Western Lawns supports this aim by offering refurbishment of existing and new public leisure and recreation amenities. Based on the highlighted additions and improvements, VisitBrighton would be supportive, assuming the proposal meets all other planning considerations.

**Urban Design Officer:** Comment

At ground floor level the Outdoor Sports Hub building accommodates direct connection to new public changing facilities on the southern elevation which is supported. These new changing and WC facilities will be open to the public. However, some more testing

of internal space might help identify how the ground floor might be optimised for public access and active edges on the ground floor. Given that a first floor is proposed, this opportunity should be explored to ensure it is not lost.

Furthermore, the stalled regeneration of the King Alfred site would likely have played a significant role in supporting outdoor sports through a mixed use and seafront facing development at ground and upper levels. But given that this has not been progressed, the scale of the Outdoor Sports Hub building as proposed is perhaps more justifiable at this time, than it might otherwise have been. The applicant continues to work collaboratively with council officers and with stakeholders to enhance the detailed design aspects of the Outdoor Sports Hub building to address how the building relates to the seafront/Western Esplanade

Overall, the plans presented by the applicant propose significant public benefit through much needed improvement to the site area, particularly in terms of inclusive access to refurbished and new high-quality landscape, amenity and recreational sports and leisure infrastructure for all ages, to support improved health and wellbeing outcomes.

## **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 City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

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

## **8. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA1 The Seafront

SA6 Sustainable Neighbourhoods

CP5 Tourism and Culture

CP7 Developer Contributions

CP8 Sustainable Buildings

CP9 Sustainable Transport  
CP10 Biodiversity  
CP11 Flood Risk  
CP12 Urban Design  
CP13 Public Streets and Spaces  
CP15 Heritage  
CP16 Open Spaces  
CP17 Sport and Recreation  
CP18 Healthy City

Brighton & Hove City Plan Part Two

DM9 Community facilities  
DM15 Commercial and Leisure Uses on the Seafront  
DM18 High Quality Design and Places  
DM20 Protection of Amenity  
DM22 Landscape Design and Trees  
DM26 Conservation Areas  
DM28 Locally Listed Heritage Assets  
DM29 The Setting of Heritage Assets  
DM31 Archaeological Interest  
DM33 Safe, Sustainable and Active Transport  
DM35 Travel Plans and Transport Assessments  
DM37 Green infrastructure and Nature conservation  
DM38 Local Green Spaces  
DM39 Development on the Seafront  
DM40 Protection of the Environment and Health - Pollution and Nuisance  
DM42 Protecting the Water Environment  
DM43 Sustainable Drainage  
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD11 Biodiversity and Nature Conservation  
SPD14 Parking Standards  
SPD16 Sustainable Drainage  
SPD17 Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1 The main considerations in the determination of this application relate to the principle of development, and the impact on the visual amenities of the surrounding area, including the conservation areas, as well as the setting of heritage assets within the locality of the site. Other main considerations include public realm/landscaping, the impact on highways, access, ecology, neighbouring amenity, and sustainable drainage.

### **Policy Context:**

- 9.2 A strategic objective (SO17) of the council set out in the adopted City Plan Part 1 is to enhance the seafront as a year-round place for sustainable tourism, leisure, recreation and culture whilst protecting and enhancing the quality of the coastal and marine environment.
- 9.3 Policy SA1 (The Seafront) of CPP1 seeks proposals which provide a year-round, sport, leisure and cultural role which complement its outstanding heritage and landscape value. The site lies within that part of the seafront defined as 'Western Seafront (Medina Terrace to Boundary Road/Station Road)' which seeks development to enhance and improve public realm and create a more coherent townscape whilst respecting adjoining development. Policy SA1 states that the council will work in partnership to ensure the on-going regeneration and maintenance of the seafront in an integrated and co-ordinated manner.
- 9.4 CPP1 Policy SA1 The Seafront - includes the following relevant seafront wide priorities:
- Enhance and improve the public realm and create a seafront for all;
  - Promote high quality architecture, urban design and public art which complements the natural heritage of the seafront and preserves and enhances the character and appearance of the Conservation Areas, and the historic squares and lawns that adjoin the seafront;
  - Improve pedestrian and cycle routes and crossing opportunities in order to achieve a modal shift and thereby reduce the impact of traffic;
  - Monitor, conserve and expand designated coastal habitats and secure nature conservation enhancements to the marine and coastal environment;
  - Development will be encouraged to consider low and zero carbon decentralised energy.
- 9.5 CPP1 policy CP16 states that the council will work collaboratively to safeguard, improve, expand and promote access to the city's open spaces. Policy CP5 (Culture and Tourism) indicates that the Council will support the upgrading and enhancement of existing visitor facilities and investment in spaces suitable for outdoor events and cultural activities that take place in the public realm.

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

- 9.6 In principle, the proposed development would accord with the identified priorities for this section of the Seafront. Proposals to retain separate spaces divided by the existing north-south access paths is welcomed. The proposed public realm and landscaping improvements in the wider area would accord with general priorities in policies SA1 (The Seafront) and CP13 (Public Streets and Spaces). Regeneration of this site is welcomed, which includes improving the quality, accessibility and legibility of the public urban realm in this location. This would include provision of a continuous east-west walkway through the site. Links into and across the site including ramped access are significantly improved as part of the scheme. Enhancements to the public space and local distinctiveness with trees and biodiverse measures would encourage active living and healthy lifestyles and would provide a safe and inclusive place, as required by Policy CP13.

- 9.7 The proposed new sports uses would accord with the wider priorities for this section of the seafront as a centre for sports and family-based activities. The range of facilities and environments would add to the diversity and vibrancy of the seafront; and will help extend footfall and reduce seasonality. Improved facilities for the public would include new toilet and changing, as well as seating, lighting and shaded areas throughout the site. The proposals for each section of open space, public realm/landscaping and access are all considered in more detail in this report.
- 9.8 The site as existing is predominantly in use as open space in the form of parks, gardens and outdoor sports. CPP1 Policy CP16 Open Space requires the retention of, and better, more effective use of all existing open space, and Policy CP17 Sports Provision also requires the retention, enhancement and more effective use of indoor and outdoor sports facilities and space. From east to west, the site currently comprises of a grassed area/event space, 3 no. bowling greens (1 of which is unused), area of amenity greenspace, Croquet Lawn, area of amenity greenspace, Sunken Garden (behind Rockwater), 2 no. areas of 4x Tennis courts, MUGA, and 2 no. grassed spaces formerly used as pitch & putt. Part of Hove Lagoon area forms the west end of the site. Whilst some of the existing formal sports uses within the site are well used, some other spaces are under-utilised and therefore the proposals to bring these spaces into more effective use (including with the provision of new outdoor sports facilities) would accord with policies CP16, CP17 and CP18 (Healthy City). There would be some loss of green spaces as part of the proposed introduction of new sports facilities, however other green space is retained and enhanced throughout the site, and additional greens spaces are created.
- 9.9 Policy CP17 allows loss of outdoor sports facilities where they are replaced by improved facilities that meet the sporting needs of the city. The 2 no. tennis courts and the MUGA to be removed would be replaced with new areas for sand sports, padel tennis and wheeled sports. The Council Sports facilities Team support the addition of new sports facilities, welcoming the provision of padel tennis as one of the fastest growing sports in the country, and noting that the wheeled sports area was popular during pre-consultation. The proposed new sports facilities would provide greater variety and broader uses of sports in the vicinity. The relocated skatepark and the separation of skater, roller and bike facilities would provide improved and flexible public facilities for many seafront users. On this basis, it is considered that the loss of the 2 no. tennis courts and the MUGA is acceptable in principle.
- 9.10 The proposed Outdoor Sports Hub would result in the upgrade of the existing bowls sports club (Class Use F2) and public toilet/changing community facilities found in existing buildings on site. The location of the Outdoor Sports Hub building was an important factor to enable facilities to be closest to the bowls competition green, which is considered to be an improvement to the club facilities. The proposed new public café use (Class Use E) would in effect replace the existing café floorspace in the Bowls clubhouse to be demolished, and in principle would comply with Policy DM15 (Commercial and Leisure Uses on the Seafront) subject to the detail considerations in this report. Policy CP16 allows development which is ancillary to the use of open space that will result in only a small loss of open

space and provides improvements to or better access to the remaining space. Despite replacing existing buildings, the proposed Outdoor Sports Hub would result in the loss of approximately 400sqm of designated open space. In this instance, it is considered that the proposed building is in compliance with this policy, and provides the benefit of the area of existing main Bowling Pavilion clubhouse (approximately 240sqm) would be landscaped and returned to a more natural form.

## **Site Layout**

### Hove Lagoon Amusements and Public WC at the Big Beach Cafe:

- 9.11 The relocated skatepark would benefit the congested areas around Hove Lagoon by relocating the existing amusements to where the existing skatepark is. The relocation would open up the area of existing amusements to create an open lawn area west of the Big Beach Café overlooking the lagoon to create an area for families to sit and enjoy close to the playground and other facilities. The relocation would also provide an area to formalise as a future outdoor gym.
- 9.12 Hove Lagoon would be linked to the new wheeled sports area with new footpaths and landscaping, which would form a cohesive whole and a high-quality array of active leisure and sports facilities. This is to be commended.

### Wheeled Sports including Skate Park, Pump Track and Roller Area:

- 9.13 The Wheeled Sports Area includes a separated Skate Park, Pump Track and Roller area, which has been designed following advice from specialists and public consultation. The Seafront Team have stated that the new location for the skatepark allows for a large plaza style design which is more suited to beginners than the existing skatepark. The proposed wheeled sports area would involve significant physical changes including re-profiling, vibrant surface finishes and dramatically changed levels of activity.
- 9.14 The location of the wheeled sports facilities in close proximity to Hove Lagoon facilities (including the café and playground) is important. The Seafront Team have stated that the new skatepark sits within a large open space which improves security and safety for users through passive surveillance from other park users. Public consultation at pre-app and in this application has also shown that the proposals for the wheeled sports area are a popular part of the scheme which is intended to attract across a broad range of ages and capabilities. The loss of the pitch and putt lawns is appropriate, and the provision of the new facilities in this position is considered acceptable. Objections have been raised during public consultation regarding the loss of dog-walking provision in this part of the site. It is noted that the proposed site layout provides open public space access for all users outside of the closed off sports facilities. This includes a new accessible path through the site which is across a number of green spaces which form part of the redevelopment. Existing areas near the site such as the Esplanade, the beach and Hove Lawns to the east of King Alfred would continue

to provide range of opportunities for dog walking. The loss of amenity is considered further below.

#### Garden Areas:

- 9.15 The Seafront Team have highlighted that the garden spaces would provide tranquil places for local people and would be popular for dog walking, exercising, and also relaxation as an alternative outdoor space to the busier beach environment.
- 9.16 The site includes new planting throughout which would offer a different character to these spaces which, with the exception of the sunken garden, are currently largely without significant planting. The addition of the soft landscaping would support and soften the enhanced sport activity area. The change in appearance in the garden spaces is considered an enhancement to the character in line with the surrounding heritage significance.

#### Tennis Courts:

- 9.17 The tennis courts would be retained in the same position as the existing 8 no. courts to the west of Rockwater, incorporating 6 no. tennis courts and 4 no. padel courts. The space beside the padel tennis courts would provide seating and table tennis, with lawns and trees for shade/shelter. In between the sets of WC) to assist with the management of the racket sports areas which would replace the existing tennis office. The scheme is fully supported by the Lawn Tennis Association and has been designed with engagement with the LTA and the wider tennis playing community.

#### Sand Sports:

- 9.18 The new sand sports area would have a sand pad that would be a flexible space which would accommodate a range of popular sand sports including beach tennis, volleyball, rugby and football. The applicant has stated that the sand tennis court availability is in demand by the tennis community. The area would be a specific sand sports zone enclosed by a fence with associated sports lighting. The lighting is considered further in the report below, and details of all boundary treatments and lighting are required by condition.

#### Bowls Green and Croquet:

- 9.19 The existing croquet lawn would be retained and 2 no. bowling greens also retained, with one upgraded to an artificial all weather surface. There would be the addition of a low level boundary enclosure. A new Croquet Club hut is proposed at the south of the Lawn area The upgrades to existing facilities are considered acceptable.

#### Outdoor Sports Hub Building:

- 9.20 The proposals would result in the demolition of the existing Bowling Pavilion and Ladies Pavilion buildings, and to be replaced with a 2 storey Outdoor Sports



Hub. There is no objection to the replacement of the existing Ladies Pavilion and Bowls Club House in principle. The beach chalet attached to the rear of rear of the Bowls Club would be retained, and details are required of the exposed north elevation of this block by condition.

- 9.21 The new single building would combine the previous bowls club and public toilet facilities and with new provision such as café/restaurant use, flexible function room space, public changing rooms/toilet facilities, storage and office space for welfare facilities. The location of the new building is determined by the position of the established championship bowls green, and the provision of the facilities in a single building aims to achieve efficiencies of scale. The proposed building would be larger in footprint and height than the existing Ladies Pavilion.

Temporary Events Space:

- 9.22 The existing lawn used currently for temporary events space is proposed to be upgraded in terms of access, boundary landscaping and infrastructure to formalise the area as predominantly a retained open space, with occasional use for events throughout the year. The area would be suitably futureproofed with sustainable events infrastructure such as power and water, and a sewer/wastewater connection would be required. The proposed access improvements are considered below under 'Access'.

**Visual Appearance & Heritage Impact:**

- 9.23 CPP2 Policy DM18 states that development proposals must demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment. Proposals for development will also be expected to consider local context and the scale and shape of buildings. CPP2 policies DM18, DM26, DM28 & DM29, and CPP1 Policy CP15 also apply here.
- 9.24 Originally beach, this site was reclaimed as scrubland/lawns by the turn of the 19th century and continued to be developed in line with urban expansion westwards and the current layout (then including tennis courts, bowling greens and a croquet ground, a bandstand set within a sunken garden and the lagoon with café) was largely formed during the early 20th century.
- 9.25 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. 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".

- 9.26 There are heritage sensitivities here as the eastern part of the site falls within the Pembroke & Princes Crescent and Sackville Gardens Conservation Areas. The whole of the site as the existing Hove Western Lawns area, the Western Bowls Pavilion and the southern-most wall are all locally listed.
- 9.27 The local listing describes it as a decorative wall separating the Western Esplanade from the lawns. It is of decorated red brick with stone and tile, and Art Deco in style. The wall incorporates a number of small pavilions/alcoves to its western half. To the east, the wall is more varied, as it is subservient to the buildings in this location, rather than forming a standalone feature. The intention in the proposal is to give more emphasis to the locally listed wall which represents part of the south boundary of the site separating it from the esplanade. The wall, which has fallen into disrepair in places, is a key feature and is considered to work well within the scheme as the route through the gardens would mostly run alongside it. Details of its repair and restoration, including proposals for the pavilion areas, are required by condition.
- 9.28 The regeneration of these spaces for continued and enhanced use as public recreation and leisure amenities corresponds with their original development and is supported in principle by the Council Heritage Team. The Heritage Team also support the retention of the existing arrangement of separate spaces defined by the north-south pathways and acknowledge that the broader pathway alongside the historic wall would improve its setting. It is considered that the proposals as a whole support the heritage seafront value of the Local Heritage Asset the site sits within, and in this way is a heritage gain.
- 9.29 Although the Council Heritage Team have raised concerns regarding the proposed development in terms of the scale of the Outdoor Sports Hub building, it is considered that the identified adverse harm is outweighed by the benefits of the proposal. This is considered further below and is subject to submission of detailed design to be assessed further by condition.

Hove Lagoon Amusements and Public WC at the Big Beach Cafe:

- 9.30 The proposed male and female WC refurbishments to the Big Beach Café would incorporate a new single storey flat roof extension to create a changing places unit on the side (south) elevation. The extension, as well as the fenestration alterations, creation of level access, and new bin store are all considered acceptable additions and alterations to the existing building.

Tennis Courts:

- 9.31 The racket sports areas would be enclosed by fencing and would have sports lighting required to enable evening usage. The existing tennis courts are bounded by a relatively lightweight and visibly permeable fencing. The proposed replacement fencing system would need to be suitably robust, but should also maintain transparency, so to not risk impacting the local historic character – and to avoid creating an enclosed corridor to the southern edges of the site alongside the retaining wall that might attract anti-social behaviour and create a vulnerable

space. Further clarity on the fencing system would contribute to a reduction of risk and to support self-surveillance of the new spatial arrangements and links. This is required by condition.

Sunken Garden:

- 9.32 A new landscaped park garden space is proposed to the north of Rockwater. This area has been identified by the Heritage Team as the only space retaining any significant elements of an historic ornamental layout. It is disappointing that the perimeter walkway and corner steps above the sunken garden cannot be retained in full. However, it is understood that access ramp arrangements do not allow for. Further details of the space are required by condition in order to fully understand how the historic character of the garden would be protected, and that loss of historic features is minimised.

Outdoor Sports Hub Building:

- 9.33 The proposed Outdoor Sports hub would be located within the Pembroke & Princes Crescent Conservation Area, and would also be visible from within the Sackville Gardens Conservation Area. The Grade II listed 157 Kingsway and perimeter wall are sited to the north of the site, opposite the existing Bowls Club. Princes Crescent to the north is a key view, as well as views along the seafront road from the east and west.
- 9.34 Sackville Gardens Conservation Area Character Statement when designated in 1997 refers to the south of the CA by noting: "To the south beyond Kingsway the land opens up to the sea and sky with the croquet lawns, bowling green, and pleasure gardens of the Western Esplanade culminating in the idiosyncratic saw-edge outline of the bathing huts" and "There are several communal buildings dating mostly from the 1930's which have been built deliberately low to allow views to the beach and beach huts beyond".
- 9.35 The proposed Outdoor Sports Hub building is comparable to the scale of Rockwater, albeit with a slightly higher ridge height. Despite the similar height, the Heritage Team have raised concerns that the overall scale of the building would be overly prominent as viewed from the seafront Esplanade and Kingsway in both directions, direct and oblique views across the lawns, and also from parts of the built-up development of western Hove to the north. The Heritage Team considers that less than substantial harm would be caused to the Conservation Areas, in particular from views at the southern end of Princes Crescent and Westbourne Villas.
- 9.36 Planning Officers recommended refusal of the extensions to the Rockwater building (application ref. BH2020/02211) due to the additional height being overly prominent and contrasting starkly with the other seafront buildings in the vicinity. The Heritage team objected to the application. The application was subsequently approved at planning committee and the height of this building, as constructed, is a material consideration. It should be noted that there is greater bulk and height to Rockwater from the north elevation, which has an additional lower floor level when viewed from the north.

- 9.37 It is acknowledged by the Heritage Team that elements of the Outdoor Sports Hub building design do help to mitigate some impact of massing. The lightweight appearance with glazing and multiple roof ridges and valleys are welcomed in terms of reducing visual bulk and providing interest to the design. The brick ground floor and upper floor glazing would compare favourably to the render/stone and timber face of Rockwater. The brick colour and fenestration has been reconsidered during the application to improve the frontage appearance on the south elevation facing onto the Esplanade, and to ensure it references elements of the character of local heritage assets along the Western Seafront, such as the brick detailing. The building would be framed and connected by new footpaths and landscaping, and a garden to the east is to be provided in location of the proposed demolition of existing bowls club building.
- 9.38 It is acknowledged that the Sports Hub building is required in order for the overall scheme to remain financially viable, and the public benefits of a multi-use building are also fully acknowledged, including enabling surveillance of public toilets and changing facilities, and provides the opportunity of flexible spaces within the first floor use that could also be used on occasions by the Bowls Club. The proposed café would provide a public function, and the upper floor terrace space would have dual use for the Bowls Club as a spectator sport overlooking the green. The building in this location also provides wind shelter to the bowling green. The benefits of the building and the design mitigation is considered on balance to outweigh the perceived heritage harm in this instance.
- 9.39 The use of ceramic tiles framing the public entrance the changing rooms / WCs are supported. Details of this and all surface materials, as well as the final roof material, are required by condition.

#### Impact on Other Nearby Heritage Assets:

- 9.40 No statutory listed buildings are within the site, however the Grade II listed 157 Kingsway and perimeter wall (separately listed grade II) sit to the north, opposite the Bowls Club. The significance of this building as (originally) a private house entirely enclosed by a boundary wall within which landscaped gardens provide the immediate setting would not be affected by the proposed development. The seafront outlook forms part of the setting for the perimeter wall and this would be impacted by the proposed Sports Hub, but not to any significant extent.
- 9.41 There are three Grade II listed shelters placed at intervals along the Western Esplanade. The listed shelters are at sufficient distance from the proposed Sports Hub building for their open seafront settings not to be harmed.
- 9.42 The locally listed south boundary wall has a series of existing recessed alcoves facing north onto the garden spaces which are currently closed off with metal barriers. The intention is to reinstate their use with use the lighting scheme to establish a well-lit and safe environment for any seating. Further details are required by condition.

- 9.43 The Western Bowls Pavilion Local Heritage Asset is a single storey symmetrical Art Deco building with central short colonnade (currently enclosed with security fencing) and hexagonal clock over. It is currently in use as public toilets, however no specific redevelopment of this building in a poor state of repair or new use is proposed as part of this application.

#### **Landscaping/Public Realm:**

- 9.44 Policy SA1 includes priorities for the Western Seafront area of relevance to this proposal which include enhance and improve public realm and explore opportunities for tree planting and coastal habitat creation to soften the appearance of the A259, improve microclimate, provide shade and enhance biodiversity. CPP1 Policy CP13 (Public Realm) aims to improve the city's public urban realm by positively contributing to public spaces, enhancing local distinctiveness, reducing the impact of car parking, incorporating biodiversity and creating safe and inclusive public spaces. CPP2 policy DM22 requires proposals to retain, improve and provide landscaping elements, including trees and planting.
- 9.45 The submitted Design and Access Statement outlines how the landscape design has been included from the project outset, in accordance with Policy DM22, and it is clear significant consideration has been given to ensure the different elements are suited to the coastal location, climate change and will provide climate resilience as well as provide plants for pollinators, which is welcomed. The proposals include ambitious plans for new landscaping, including significant levels of tree planting throughout the site, which would provide opportunities for shade that are limited on the siting site. The proposed planting of perennials and areas of species-rich meadows and grassland would provide good opportunities for increasing the biodiversity value of the site, which is considered further in the 'Ecology' section of this report.
- 9.46 The applicant has submitted tree, perennial and wildflower planting schedules. The level of detail of the planting scheme is welcomed, which would provide groupings of trees for shelter, and would make the lawns and embankments more inviting and useable spaces. Some landscaping elements would provide informal play opportunities, which is also welcomed. A robust maintenance schedule, with a reliable watering regime, would be essential in the future success of the landscaping proposals.
- 9.47 There is no objection in principle to the type or quantum of tree planting. There has previously been concerns raised regarding the sustainability of tree planting on other seafront developments. This has been for various reasons including potential saltwater damage, persistent strong winds and poor soil structure that inhibit both root growth and tree stability. However, these issues have been fully considered during pre-application stage, with careful consideration of species selection, the use of existing terrain and vegetation, utilising current and proposed construction as windbreaks and the grouping together of plantings to maximise survival rates. Following advice from the Council Arboriculture Team, the proposals have been amended to re-distribute the type of trees, and also reduced the number on the north side in close proximity to the public highway, cyclepath

and footway. It is considered that despite the highly challenging environment, there is confidence that these concerns have been successfully addressed, subject to final details on planting specification and maintenance schedule. The City Parks Team have confirmed that they will continue to work with the applicant to refine the planting selection to ensure coastal tolerance and ecological benefit within the planting proposals.

- 9.48 The applicant has submitted a Tree Survey showing the location of existing trees and hedges, as required by CPP2 policy DM22 Landscape Design and Trees. Some sections of hedgerow will be removed, and whilst it would have been welcomed if some areas of existing planting including tamarisk could have been retained, the reasons for their removal to improve sightlines and access are considered acceptable.
- 9.49 It is considered that the proposed public realm enhancement to the site would provide immediate and long term, visual, environmental and public/community benefit. The proposed layout is generally in line with the current distribution of formalized sports areas and hard surfacing, interspersed by green open spaces for more casual/flexible use. Despite being outside of the site area, the existing Kingsway and the Western Esplanade pedestrian experience would be enhanced as a result of the proposed development. Improving connectivity has been an important part of the proposals, and this is considered further in this report below. Overall, the proposed works would provide a number of improvements to pedestrian routes. The recommendations of the Local Highway Authority are also considered within this report below.
- 9.50 Further details of landscaping, including street furniture, are required by condition. The County Ecologist has commented fully on the proposal in relation to ecology/biodiversity proposals, and these are considered further under 'Ecology'.
- 9.51 Details of proposed public realm layout, materials, colour palate, signage and lighting strategy (as outlined in the detailed design plans and Design and Access Statement), including maintenance details and management plan, are required by condition. This is in order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.
- 9.52 The applicant proposes public art commission as part of the proposals. This would accord with a key priority for SA1 The Seafront and Policy CP5 Culture and Tourism. These policies seek investment in spaces suitable for outdoor events and cultural activities that take place in the public realm and the enhancement and retention of existing public art works. Policy CP13 Public Streets and Spaces recognises the role of public art to create and enhance local distinctiveness in the public realm and help develop a desirable sense of place as well as improving legibility. Limited details have been submitted, and therefore full proposals for the public art are required by condition.
- 9.53 Further landscaping consideration are made in the report below (see 'Ecology'). Overall, the proposed improvements to the public realm in this section of the

seafront are welcomed and would accord with priorities for the seafront in general within policies SA1 and CP13.

### **Access:**

- 9.54 The proposed improvement to connectivity across the site is a key policy requirement and would help enhance and improve public realm in line with Policy SA1. Policy CP13 Public Streets and Spaces is relevant and requires improvements to meet the needs of all users, utilise high quality, robust and sustainable materials and create safe and inclusive public spaces.
- 9.55 The north-south pedestrian cross-routes separate many of the individual green space within Hove Western Lawns and provide existing access between Kingsway and the Esplanade. The locally listed south boundary wall and the beach huts on the Esplanade restrict elsewhere the physical access to the garden spaces. There are 4 no. formal crossing points on Kingsway in the vicinity of the site that connect the site to the north. The existing park spaces in the western half of the site only have steps and poor-quality inclines to access the sunken levels which further limits their useability.
- 9.56 It is understood from the submission and through the pre-application process that accessibility has been a key issue in terms of the design of the site redevelopment and its connection to the wider seafront. The gradients and land levels across the site have been the primary consideration in terms of accessible path location. As part of the proposals of the continuous east-west walkway through the separate areas of open space, there would be re-grading of the levels of the site to enable significant improvements to accessibility for pedestrians of all capabilities. A new inclined ramp access to the east end of Hove Lagoon will be added for those with mobility issues. The Council Sports Facilities Team has stated that the ramps and level access across the site promote inclusivity and accessibility in terms of people with mobility issues, with a greater opportunity than existing to participate and take part in the sports and activities being offered.
- 9.57 The new public toilets in the Outdoor Sports Hub will include a lift, accessible toilets and a Changing Places facility. Further accessible toilet facilities are proposed at Big Beach Café and the Tennis Pavilion.
- 9.58 Overall, it is considered that the proposals would improve general access for pedestrians in and around the site, as well as improving accessibility with inclusive design for the mobility impaired.

### **Ecology:**

- 9.59 The proposals should seek to protect and enhance existing open space and nature conservation interests where the site lies within designated areas. Policy CP10 requires development to conserve existing biodiversity which may be

affected, protect it from development such as from noise and light pollution, and provide gains for biodiversity wherever possible.

- 9.60 As set out in CPP2 Policy DM37 Green Infrastructure and Nature Conservation, as a locally protected site, development proposals should justify development of the site and ensure impacts can be mitigated through on or off-site habitat creation with achievements in net gains in biodiversity/geodiversity.
- 9.61 The proposal should give full consideration to the achievement of biodiversity net gains (BNG) in line with Policy CP10 and CPP2 Policy DM37, as well as the updated SPD11 - Biodiversity and Nature Conservation SPD. The applicant has submitted a Biodiversity Checklist, Preliminary Ecological Appraisal Report, Ecology Technical Note and Bat Survey. The application also sets out the soft landscaping scheme to include tree planting, perennials and wildflower meadows.
- 9.62 The site is not designated for its nature conservation interest, however it lies within the Living Coast UNESCO Biosphere Reserve, and Basin Road South Local Wildlife Site (LWS) lies c. 198m west. The County Ecologist states that there is unlikely to be any impacts on the LWS or the nature conservation interests of the Biosphere.
- 9.63 The Big Beach Café is deemed to have moderate bat roost potential, however the bat surveys carried out indicating risk of roosting bats to be very low. The submitted reports indicate that to update and improve reliability of the results, an additional survey is required. Recommendations are made to ensure any nesting birds are not disturbed in the breeding season during works. Precautionary methods will also need to be in place to protect any hedgehogs on site, and also any reptiles found in areas such as within grassland around the tennis courts (although significant populations on site are considered to be unlikely). Compliance with the submitted reports and recommendations is required by condition.
- 9.64 The site offers opportunities for biodiversity enhancement, and the proposals indicate a target of 20% BNG within the Ecology Technical Note. This would be achieved through tree planting, perennial planting and grassland/wildflower meadow planting. The submitted DEFRA Biodiversity Metric, which demonstrates the actual amount of BNG proposed, indicates a BNG of up to 106.63% in habitat units and 15.85% in hedgerow units. Overall, the County Ecologist expects that the proposals would likely achieve BNG considerably in excess of 20%. Enhancements that are not considered in the metric such as bat and bird boxes would provide additional gains.

**Impact on Amenity:**

- 9.65 Policy DM20 of City Plan Part states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.



- 9.66 A Construction Environmental Management Plan (CEMP) is required to mitigate construction impacts, and the submitted documents are considered acceptable.

Overlooking/Loss of Privacy/Outlook/Daylight & Sunlight:

- 9.67 The proposed development is largely situated a sufficient distance away from neighbouring residential properties so as not to cause significant harm to residential light levels, privacy levels and by way of overlooking.

Noise Impact:

- 9.68 The nearest residential properties are on the north side of the A259 (Kingsway) coast road and on the north-south roads further to the north. Concerns have been raised during public consultation regarding noise and potential anti-social behaviour, in particular in relation to the wheeled sports area. There are already several leisure uses along this section of the seafront, including within the existing site, which generate activity and associated noise that would be expected from these uses. There are generally no significant issues envisaged with the proposed footfall of pedestrian activity and any noise or disturbance that generally may occur on this site that would cause concern that would warrant refusal of the application.
- 9.69 The proposed padel tennis courts would be located between the tennis courts and the sunken garden behind Rockwater. Glazed areas are proposed at North and South elevations with the sides consisting of mesh grilles. It is acknowledged that due to the nature of the sport (with impact sound from the solid bat and harder ball than with tennis), that there may be some impact sound that may be heard around the neighbouring park spaces and outside of the site boundary, most notably at nearby Rockwater. However, some of the impact noise would be mitigated by the surrounding traffic noise during the day and other uses nearby that attract groups of people such as Rockwater and the existing tennis courts. There are also elements in the design in this instance would potentially mitigate any noise impact here, including land levels, use of landscaping, the sports facility boundary, and the floodlighting times controlled by condition (to be switched off at 10pm).
- 9.70 Public comments have been received raising concerns regarding noise impact to properties on Kingsway, with some objecting to proposed sports and landscaped gardens to replace open green lawns that are used by local residents for dog walking and other green space purposes. This is acknowledged; however, the proposals have been carefully considered and distributed proactively in respect of existing users of the site, and it is highlighted that there are constraints in terms of key retained accommodation in certain locations (such as the Bowls Club and Tennis Court Club). The location of the wheeled sport facilities is considered above in this report under 'Visual Appearance & Heritage Impact'. Its siting next to Hove Lagoon promotes a family friendly area with users being able to move easily between the two facilities. The applicant has also stated that the design incorporates an open aspect to promote passive surveillance throughout the site to limit dead-end and

hidden spaces. Subject to a condition for the floodlighting to be turned off at 10pm, and submission of a noise management plan to outline further setting out noise management and safety measures by the operator, the potential noise/disturbance impact here is not considered to be so significant as to warrant refusal of the application on this basis.

#### Lighting:

- 9.71 The proposals would introduce new column and feature lighting to the garden spaces, cross-routes and the east-west accessible path to enable safe movement after dark and to allow for use of facilities. It is considered that the lighting proposed to improve safety and the legibility of the area would be welcomed. It is considered that the proposed lighting scheme in principle would enhance the setting of this part of the historic seafront and improve access. Floodlighting is also proposed at the wheeled sports, tennis, padel and sand sports areas. This would provide extended access and usage in the winter and evenings. The lighting installation will be required to comply with appropriate lighting guidance levels, to reduce intensity and to reduce obtrusiveness/light spill. Full details of the lighting scheme are required by condition. Further consideration of amenity impact is set out below, including restricting floodlighting time until 10pm by condition.

#### **Sustainable Transport:**

- 9.72 National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102).
- 9.73 City Plan Policy CP9 seeks to encourage use of sustainable modes of transport and supports improvements to the public realm to encourage walking. City Plan Part 2 Policy DM33 Safe, Sustainable and Active Transport is also relevant as the new access routes should be designed to provide safe, comfortable and convenient access for pedestrians and contribute towards, the city's network of high quality, convenient and safe cycle routes. The Highway Authority has commented on the application, and their recommendations are summarised within this report.
- 9.74 The applicant has submitted a Transport Statement (and addendum), and the Local Highway Authority have no objection to the proposals subject to recommendations to be secured by condition.
- 9.75 A CEMP (Construction Environment Management Plan) has been submitted (in the form of a Construction Phase Health and Safety Plan; Logistics Review; Traffic Management Plan, and Phasing Logistics) and deemed acceptable. A condition is required ensuring the works are carried out according to the approved plans

#### Pedestrian Site Access:

- 9.76 There are 13 no. formal pedestrian access points from Kingsway footpath/cycle track on the north, including a proposed new access point on Hove Street South to the east of the site. The 14 no. existing pedestrian access points from the Western Esplanade beachfront promenade would all be retained. Three of the eight north-south links between Kingsway and the Esplanade provide shared access of pedestrians, wheeled and deliveries/servicing vehicles which would remain; however it is expected that these links would experience some increased intensification of use. It is noted there would be improvements to access within the site that would help alleviate existing access arrangements and any intensification of use as a result of the proposal.
- 9.77 There would be improved fully accessible east-west links through the site that links all the park spaces which would join up with and provide an alternative to Kingsway and the Esplanade. Also, access around the busy area of east end of Hove Lagoon and Big Beach Café would be improved with a new inclined ramp access. The improvements to accessibility for the public proposed throughout the linear site are therefore considered acceptable. The Local Highway Authority have recommended further details submitted by condition.

#### Servicing/Deliveries:

- 9.78 Existing (restricted) vehicle access to the site is via north-south access points at Westbourne Villas/Princes Crescent (serving Bowling Club), Walsingham Road/Sackville Gardens (serving Rockwater) and Wish Road (serving Big Beach Café/Hove Lagoon). These existing access points would serve the proposed redeveloped site, including the proposed Outdoor Sports Hub. The Local Highway Authority have recommended a Deliver & Servicing Management Plan given the potential intensification of use of the site and the accessways.
- 9.79 The proposed new/replacement vehicle access to the events space on Hove Street at the eastern end of the site near King's Esplanade would cross 2 directions of cycle lane traffic at this point. The current access has no dropped kerb, and details of this will be required to be agreed via s278 agreement (and secured by condition).

#### Vehicle Parking:

- 9.80 There is no on-site parking provision associated with this application. Disabled parking is currently available at on-street disabled parking bays adjoining the site, and this continuation of existing arrangements is considered acceptable in this instance.

#### Cycle Access/Parking:

- 9.81 It is indicated that the proposed walkway through the site would be for pedestrians only with no access to cyclists (in similar form to the Esplanade). The existing cycle route to the north of the site, as well as future improvements to cycling

provision proposed along this section of the A259, would meet the needs of current/future cyclists travelling to and from the site. An enhanced and redesigned cycle lane, which involves moving car parking onto the A259 carriageway to create space for an extra cycle lane, is being developed on the Kingsway at the site boundary and is due to be installed in early 2023. The 'National Cycle Route 2' cycleway improvements scheme has been co-ordinated with the application proposals on elements such as to remove nib walls along the north boundary dwarf wall to improve visibility and widening the footway at Hove Street.

- 9.82 An additional 61 no. new cycle stands are proposed to be provided on the north/south routes between the Esplanade and Kingsway, giving a total on site of 79. The total new spaced could be doubled if provision is made with Sheffield Stands (as indicated in the submitted Transport Assessment). In either case, the number of spaces is above the minimum requirement for the development, and confirmed details are required by condition. The proposal site is currently served by a BHCC Bike Share Hub at Hove Lagoon and is close to a hub at King Alfred Leisure Centre. Another is currently under consideration at Rockwater which can be provided separately from planning permission.

Trip Generation:

- 9.83 The site has good access to public transport in its locations along a key public transport corridor to the west of the central area of Brighton & Hove. There are 4 no. bus stops in the vicinity serving east and west directions (the layout of which are subject to change as part of the A259 cycle lane extension). Further bus stops are in walking distance nearby to the north on New Church Road. Portslade, Aldrington, and Hove train stations are all within accessible walking distance.
- 9.84 Car parking in the nearby residential streets surrounding the site is controlled by various parking zones. For visitors, paid on street parking is available on the Kingsway (A259) which is outside of the nearby resident-controlled parking zones. The BHCC car park at King Alfred Leisure Centre is immediately to the east and also serves the site for visitors.
- 9.85 A Transport Statement has been provided which concludes that the proposals will generate little additional traffic onto the highway network. The new Outdoor Sports Hub, new sports facilities and replacement wheeled sports facilities could result in additional vehicle trips. However, the impacts of any additional trip generation or parking overspill are not considered to be so significant here and it is expected that the site and its surrounding transport network could adequately accommodate any increase in trips associated with the proposed development.

**Sustainability:**

- 9.86 City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. CPP2 Policy DM44 (Energy Efficiency and Renewables) states that all development should improve energy efficiency and achieve greater

reductions in CO2 emissions in order to contribute to the Brighton & Hove target to become a carbon neutral city by 2030.

- 9.87 The Sustainability Checklist submitted indicates the new buildings will aspire to meet 'Very Good' BREEAM standard. BREEAM standards shall be secured by condition. Policy DM44 also requires non-residential development to achieve at least a 19% reduction in carbon emissions over Part L and also requires submission of a minimum rating "B" Energy Performance Certificate, which is required by condition.
- 9.88 The Sustainability Officer has recommended that the developers explore how circular economy principles may be introduced in the design and construction of the buildings, for example by re-use of existing materials on site. Details of minimising waste will be required by condition through a Site Waste Management Plan. The embodied energy in building materials should be minimised as far as possible through careful consideration and sourcing of construction materials and processes. Further details of the materials used are required by condition.

#### **Other Considerations:**

##### Archaeology:

- 9.89 The site is not situated within an Archaeological Notification Area, but the County Archaeologist has identified that the land lies within an area of prehistoric potential and possible evidence for a post-medieval harbour. The applicant has submitted an Archaeological Desk-Based Assessment, which concludes that the site's overall archaeological potential is 'low to moderate' and that the likelihood of encountering prehistoric archaeology has been assessed as low. Given the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, a condition is required for a programme of archaeological works.

##### Waste Management:

- 9.90 Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 in the national Planning Practice Guidance (PPG) on Waste provides guidance on what could be covered in order to meet the requirements of the policy. A fully completed Site Waste Management Plan (SWMP) will need to be required by condition to include sufficient information to demonstrate compliance with Policy WMP3d
- 9.91 Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities for the proposed Outdoor Sports Hub has been outlined, and full details are required by condition.

### Flood Risk/Drainage:

- 9.92 CPP2 Policy DM39 required proposals to take account of the particular conditions experienced in the coastal zone, for example in layout, design, landscaping and materials proposed, and should be resilient to the effects of climate change. CPP1 policy CP11 requires development to include SuDS to avoid any increase in flood risk and CPP2 Policy DM43 requires all development to achieve a reduction in the level of surface water leaving the site.
- 9.93 Although the majority of the site is located within Flood Zone 1 with medium risk of tidal flooding, part of the western area of the site falls within Flood Zones 2 (land west of tennis courts) and 3 (east of Hove Lagoon) with a higher risk. The site is broadly flat but does feature areas at a lower level which would require drainage. The Council Sustainable Drainage Team have indicated that a lack of flooding recorded on site suggests that the current situation offers sufficient drainage rates for most of the time, and that the proposed development is unlikely to worsen this. New buildings are proposed to only be constructed in low-risk areas in Flood Zone 1.
- 9.94 A Flood Risk and Drainage Assessment has been submitted which concludes that the risk of groundwater flooding is low. The information submitted includes the surface water and foul water drainage strategy, however the locations and dimensions of many features are yet to be finalised. Foul waters are proposed to be discharged to the adjacent combined sewers via existing connections. The Sustainable Drainage Team have indicated a very low risk of pollution levels in runoff water, however final details of design would require mitigations of pollution.
- 9.95 The Flood Risk Assessment indicates that the proposed approach to surface water management includes infiltration SuDS to discharge runoff to the ground with rainwater harvesting from Outdoor Sports Hub discharged to soft landscaping/soakaway, and trench soakaway from Tennis Pavilion.
- 9.96 The proposals will result in an increase in hardstanding in comparison to the existing site, although it is acknowledged that a large proportion of this will be the accessible pathway and sports playing surfaces that will comprise of permeable paving. Ramped paths would have drainage channels to infiltration trenches. The wheeled sports area proposals include runoff into gullies (as permeable paving is not deemed to be appropriate for this use).
- 9.97 The Council Sustainable Drainage Team and the Environment Agency have no objection to the proposals. Further details of drainage proposals (including final designs for permeable paving, gullies and soakaways) are required by condition.

### Air Quality:

- 9.98 The site is not in an Air Quality Management Area. No significant air quality issues are envisaged in relation to this application.

### Land Contamination:

- 9.99 There are no known land contamination sources on site. A land discovery condition is required should any contaminants be found during construction works.

## **10. CONCLUSION**

- 10.1 These proposals have been shaped by the outcome of public pre-application consultation and would provide benefit to the wider community. The new and improved accessibility, sports and recreation facilities and landscaping would increase activity levels and footfall, which is welcomed and would accord with the overall priorities for the seafront.
- 10.2 Improvements to the public realm in this section of the seafront are welcomed. The proposal represents an opportunity to enhance the present situation in respect of the designated heritage assets and the surrounding public realm, as well as improving on the connectivity around the site. The improvements to the amenity green space, natural and semi natural area and outdoor sports are considered acceptable overall. The site offers opportunities for biodiversity enhancement, and the proposals indicate a target of 20% Biodiversity Net Gain. The townscape interest provided by the lawns and the surviving historic elements are proposed to be enhanced by the new planting and fabric repair, which would be seen as a heritage gain. The Highway Authority has no objection subject to recommended conditions.
- 10.3 The proposals would mostly retain the existing open space and outdoor sports uses whilst bringing them into more effective use through the proposed improvements. The Council's Facilities and Development, amongst other consultees, support the new sports facilities that would improve the variety of the provision in the city and increase participation in sport and physical activity. The Council Sports Facilities Team have highlighted that the wheeled sports and sand sports facilities would engage people who wouldn't normally take part in other sports activities.
- 10.4 The overall development would increase footfall to the area which would help to support existing businesses and would provide a new café/restaurant and kiosk within the proposed Outdoor Sports Hub building. This building would also provide much needed new public toilets, showers and changing facilities which will be available for users of the both the park facilities and the beach. The Heritage Team have raised concerns of the scale and prominence of a proposed building in this position on the seafront. However, the approved development at Rockwater is a material planning consideration, and it is considered overall the benefits of the multi-functional building outweigh the heritage harm in this instance.
- 10.5 The proposal in its entirety seeks to enhance and improve the open space from Hove Lagoon through the adjoining King Alfred site. The interconnected areas

and associated pathways would provide improved accessibility throughout the site and beyond despite constraints of existing structures and topography.

- 10.6 The design details of the proposal required by condition are necessary to ensure the acceptability of the scheme. Details of management and future maintenance of the scheme are required by condition.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

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

## **12. EQUALITIES**

- 12.1 The proposals have given consideration in the design to be compliant with Building Regulation performance indicators, including access solutions to provide safe and enhanced access for the current proposals and for future development of the wider site. The pedestrian routes with new walkway through the site would provide step free access within the site and beyond. New access and general layout will be further considered in details by condition, and compliant gradients will be required to meet Building Regulations.

## **13. CLIMATE CHANGE/BIODIVERSITY**

- 13.1 The proposed Sports Hub building would achieve the BREEAM New Buildings "Very Good" rating required by condition. The new building should achieve at least a 19% reduction in carbon emissions, and EPC 'B' rating, in line with emerging CPP2 policy DM44. The embodied energy in building materials should be minimised as far as possible through careful consideration and sourcing of construction materials and processes.



## **Comments for Planning Application BH2022/02830**

Hove Western Lawns And Hove Lagoon Kingsway Hove BN3 4FA

Name: Councillor Carmen Appich  
Ward Westbourne

### Comment Reasons:

- Good Design

Comment: This is an amazing project, and I am so proud to have been involved in the discussions of the plans along with my fellow councillors and local residents. I really welcome the creation of Hove's first new park in over a century, with fully accessible leisure activities for young and old



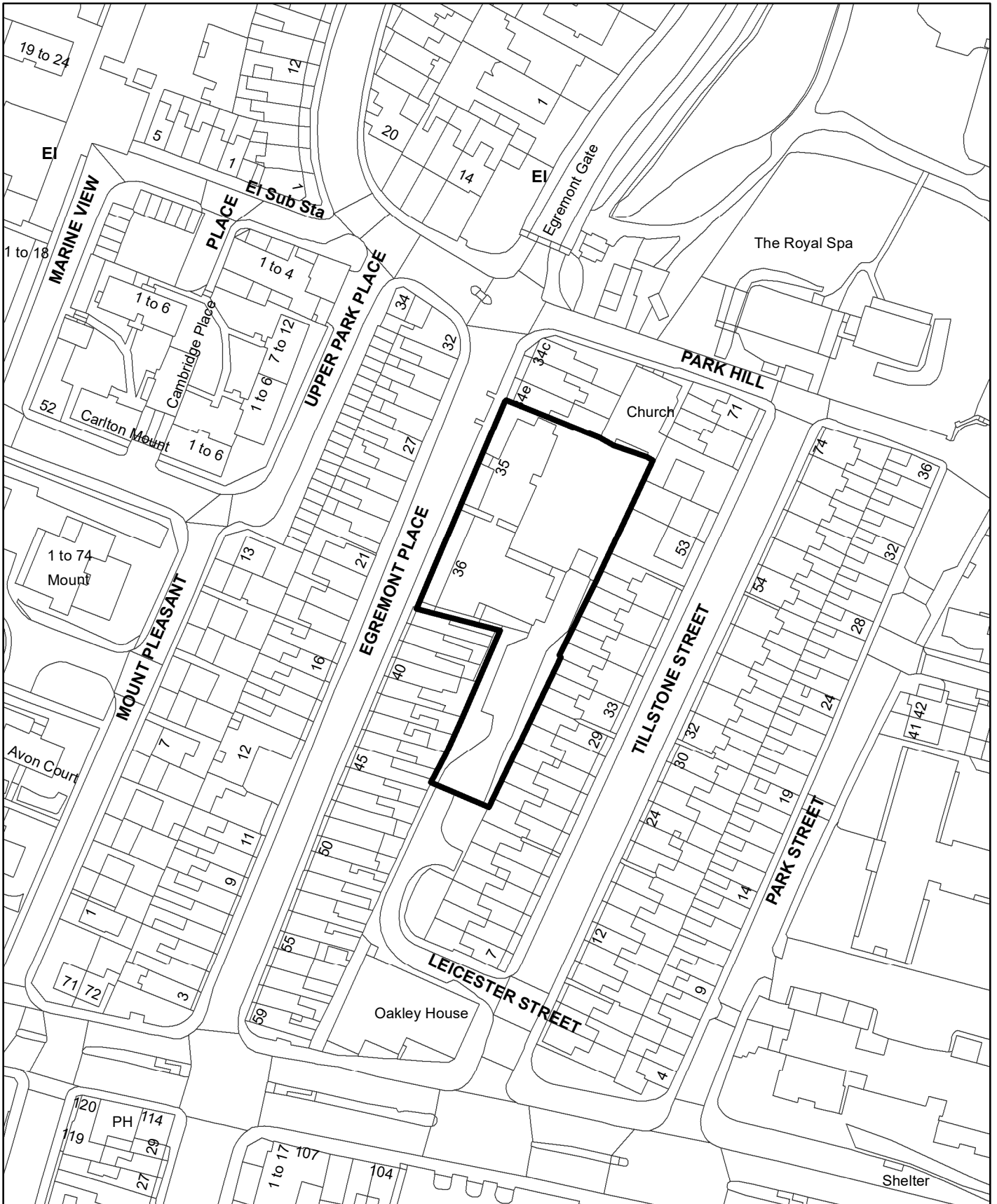
# **ITEM B**

**35 - 36 Egremont Place  
BH2022/02167  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**



# BH2022 02167 - 35 - 36 Egremont Place



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/02167</b>	<b><u>Ward:</u></b>	<b>Queens Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>35 - 36 Egremont Place Brighton, BN2 0GB</b>		
<b><u>Proposal:</u></b>	<b>Part demolition and part retention of the existing care home buildings (C2) to provide 25 dwellings (C3) in a mix of houses and flats with associated parking and landscaping.</b>		
<b><u>Officer:</u></b>	Robin Hodgetts, 292366	tel: <b><u>Valid Date:</u></b>	14.07.2022
<b><u>Con Area:</u></b>	Queen's Park	<b><u>Expiry Date:</u></b>	13.10.22
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	TBC
<b><u>Agent:</u></b>	Mr Amir Aramfar, Future PD, 2 Wardrobe Place, London, EC4V 5AH		
<b><u>Applicant:</u></b>	East Street Homes (UK) Ltd, C/O Future PD, 2 Wardrobe Place, London, EC4V 5AH		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder.

### **S106 Heads of Terms**

#### Affordable Housing

- On-site provision of 10 Affordable Rent Units (40%) or as a commuted sum in lieu of onsite provision.

#### Travel Plan

- Including car-club membership and reduced bus travel tickets.

#### Employment Strategy

- Employment contribution of £9,300
- Employment and Training Strategy.

#### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
[details to be provided via the Late List]  
**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. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall at least include:
  - (i) The phases of the proposed development, including demolition, and the forecasted completion date(s)
  - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
  - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
  - (iv) Details of hours of construction including all associated vehicular movements
  - (v) Details of the construction compound;
  - (vi) A plan showing construction traffic routes to/from the site.
  - (vii) Measures for the protection of trees, in accordance with the Tree Protection Plan (ref. PJC/6001/22/D, appendix 5 to the Arboricultural Impact Assessment).

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

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

4. All development, including demolition shall be undertaken, and ecological measures implemented in accordance with the approved Preliminary Ecological Appraisal (PJC Consultancy, 15/03/22) and the Bat Emergence/Re-entry Survey Report (PJC Consultancy, 19/07/22).

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of Brighton & Hove City Council's City Plan Part One and Policy DM37 of the City Plan Part Two.

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



- g) details of the body or organisation responsible for implementation of the plan;
- 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:** To ensure the long-term management of habitats, species and other biodiversity features and to comply with policies CP10 of Brighton & Hove City Council's City Plan Part One and Policy DM37 of the City Plan Part Two.

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

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

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

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

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

**Reason:** To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

8. Other than demolition works the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed design and associated management and maintenance plan for surface water drainage using sustainable drainage methods as per the recommendations of the Surface Water Drainage Strategy by RPS dated 3 June 2021. The scheme shall subsequently be implemented in accordance with the approved details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One.
9. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as 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 DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
10. Prior to the first occupation of the development hereby approved a scheme shall be submitted to and approved by the Local Planning Authority providing full details of three units which are in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). These units shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of City Plan Part Two.
11. 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/details 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 including any glazing
- e) samples/details of all other materials to be used externally

The 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 DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM43 of City Plan Part Two.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- Details of low-carbon provision of heating and hot water.
- Details of the rooftop solar array layout
- Details of the green roofs planting and substrate

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

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

14. The development hereby permitted shall not be first occupied until
  - i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
  - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i):

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of City Plan Part Two.

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

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of City Plan Part Two.

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

**Reason:** To ensure the development provides for the needs of disabled residents and visitors to the site and to comply with policy DM33 of City Plan Part Two and SPD14 guidance.

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

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy DM20 of City Plan Part Two, 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.

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

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

19. 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 policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One

20. Noise associated with plant (air source heat pumps or similar) incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
21. 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 and retained hereafter.  
**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.
22. 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
23. The development hereby permitted shall not be occupied until details of the signage to the vehicle and pedestrian access from Leicester Street (alerting motorists that they are entering a pedestrian and cyclist priority zone) and block paving denoting pedestrian access shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved and retained hereafter.  
**Reason:** In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies DM33 of City Plan Part Two, and CP9 and CP13 of the 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. To discharge the surface water drainage scheme condition, the applicant will need to provide:
  - A detailed design including details and locations of the drainage infrastructure.
  - Calculations to confirm that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and

- storm durations based upon the 1% AEP plus 40% increase in rainfall intensity due to climate change.
- A management and maintenance plan for the final drainage design for the proposed development incorporating all elements and confirming ownership and management responsibilities.
3. The applicant is advised that the CEMP should also include the following information:
    - Details of any oversailing of the highway construction, falsework, formwork and scaffolding
    - Details of use of any cranes, lifts, escalators and lifting vehicles
    - Details of any Department for Transport Abnormal Load Notification and/or Order
    - A commitment to implement vehicle cleaning and drainage facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
  4. You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.
  5. East Sussex Fire & Rescue Service strongly recommend the installation of fire sprinklers in all new developments, there is clear evidence that Automatic Fire Suppression Systems (AFSS) can be effective in the rapid suppression of fires and can therefore play an important role in achieving a range of benefits for both individuals and the community in general
  6. Sussex Police recommend using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)
  7. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements)
  8. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing

machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

9. 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.
10. Electric Vehicle Charging Points Informative  
The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

## **2. SITE LOCATION**

- 2.1. The application relates to two properties which lie on the eastern side of Egremont Place, namely 35 Egremont Place which comprises three historic townhouses to the north of the site and 36 Egremont Place is a modern 1970's block with little or no historic and architectural merit. The block sits at a lower level than the adjacent street level, providing a lower ground floor level. Together the properties comprise Pilgrim's House, a care home for the elderly (C2 use class).
- 2.2. Egremont Place is a predominantly residential street, characterised by mainly three storey terraced properties with some two storey homes to the north. It lies within the Queen's Park Conservation Area and slopes down from the north to south. The application site also drops significantly from the adjacent street level to the rear where it can be accessed via Leicester Street. A number of listed buildings lie on Egremont Place but none are adjacent to the site.

## **3. RELEVANT HISTORY**

- 3.1. Pre-application advice was previously sought for redevelopment of the site (PRE2021/00155) which put forward
- 3.2. PRE2021/00155 Part demolition and part retention of the existing care home buildings to provide up to 28 dwellings in a mix of houses and flats with associated parking and landscaping. Two options proposed: option 1 proposed demolition of the modern block flats with redevelopment of the historic townhouses; option 2 proposed demolition of the whole site.
- 3.3. PRE2020/00107 Change of use and partial redevelopment of Pilgrims Home, 35-36 Egremont Place, Brighton. The proposals seek to change the use from the existing C2 Care Use to C3 residential use. The period buildings would be retained and converted into 5 flats, whilst the 1980s wing would be redeveloped into 19 flats over three floors, with two flats provided within a setback third floor and two garden flats within the basement

- 3.4. PRE2020/00067 Option 1: Conversion of original buildings into a 36 unit residential scheme, retaining on site church and outdoor space. Extension to existing lower ground floor level and creation of floor for residential use in existing roof space.  
Option 2: Demolition of Nos.35 and 36 Egremont Place, followed by erection of new build residential scheme comprising 52 units. Refurbishment of church, tether with rear extension to accommodate a food bank over lower ground and ground floor levels.

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

- 4.1. This application seeks permission for the partial demolition of Pilgrim's House care home and the redevelopment of the site to provide 25 dwellings in a mix of houses and flats with associated parking and landscaping. This would comprise four houses in the retained buildings to the north of the site, 17 flats in the proposed new residential block to replace the demolished section, and four mews studios to the rear of the site. The new block containing the 17 flats would be of a similar height to the existing and comprise three storeys with a lower ground floor level to take into account the downward slope of the street from north to south.
- 4.2. The proposal is an amended submission of Option One of the pre-application advice reviewed under PRE2021/00155..
- 4.3. Following the most recent pre-application advice (ref. PRE2021/00155), the applicant amended the scheme to the form it takes in this application. This was mainly in the form of design improvements to respond to the surrounding streetscene, namely:
- The proposed building line has been pushed forward to align with the existing terrace houses to the south of the site on Egremont Place.
  - The form of the proposed building has been designed to reflect the vertical rhythm created by the bay windows of the neighbouring terrace houses to the south of the site.
  - Green roofs have been incorporated into the design for the new build proposal to increase biodiversity, and lessen the visual impact of neighbouring properties.
- 4.4. During the course of the application and following concerns raised by Heritage officers, further amendments have been made to the scheme, redesigning the top floor and reducing it in scale to better incorporate it in the streetscene.

#### **5. REPRESENTATIONS**

- 5.1. **Sixteen (16)** letters of representation have been received objecting to the proposed development for the following reasons:
- Impact on the Queen's Park Conservation Area
  - Effect on property value
  - Height



- Proximity to site boundary
- Noise
- Overdevelopment of the site
- Overshadowing and loss of light to neighbours
- Loss of privacy
- Restriction of views
- Poor design
- Impact on traffic and parking
- Removal of trees
- Impact on listed buildings

5.2 Councillor Childs has objected to the scheme. A copy of their representation is attached to the report.

5.3 **Eight (8)** letters of representation have been received supporting the proposed development for the following reasons:

- Improved use of the site
- Good quality design
- Improvement over the existing modern block of flats.

## 6. CONSULTATIONS

### External:

6.1. **Conservation Advisory Group:** No objection

Although it could be considered as overdevelopment with the studio apartments being squeezed on to the site, the group considers that the benefits of the proposal outweigh any harm to the area. The loss of trees is regrettable.

6.2. **County Archaeologist:** Objection due to lack of archaeological information accompanying application. [Officer Note: the site is not within an Archaeological Notification Area so site is not considered to be of archaeological interest].

6.3. **County Ecologist:** No objection subject to conditions  
Following submission of additional information relating to biodiversity the information provided is satisfactory subject to conditions.

6.4. **East Sussex Fire & Rescue Service:** Comment  
East Sussex Fire & Rescue Service strongly recommend the installation of fire sprinklers in all new developments.

6.5. **Environment Agency:** No comment received

6.6. **Southern Water:** No objection  
Southern Water have advised that they can provide foul and surface water drainage to service the proposal. Appropriate disposal of surface water shall be provided and a formal application to connect to the sewerage system is required. Details of means of foul and surface water drainage are required.

- 6.7. **Sussex Police:** No objection  
Security measures are recommended including access control implemented into the layout, external/wall mounted post boxes for residents, adequate security lighting, CCTV and secure cycle parking.
- Internal:
- 6.8. **Air Quality:** No comment received
- 6.9. **Arboriculture:** No objection subject to conditions to secure replacement planting  
There is significant tree loss to facilitate development, however these trees were assessed on behalf of concerned residents and the trees within the site did not fulfil sufficient criteria for a tree preservation order to be considered defensible; with substantial mitigation planting to compensate for loss, BHCC arboriculture would have no objection to their removal. Replacement planting is recommended to be a minimum of 16 - 18 nursery stock sizing, watering will be essential for establishment and as rainfall is unreliable, a watering regime on a minimum once a weekly basis is necessary from April – September.
- 6.10. With the proposed physical and ground protection stated within section 3.4 of the Arboricultural Method Statement conditioned and installed pre commencement, works within the root protection area (RPA) of T24 undertaken under arboricultural supervision, service runs to be sited outside of the Root Protection Areas of all retained trees with a landscaping scheme of a minimum 1:1 replacement ratio, BHCC arboriculture have no objection.
- 6.11. **City Clean:** No comment received
- 6.12. **Environmental Health:** No comment received
- 6.13. **Economic Development:** Approve subject to conditions  
Developer contribution of £9300 to be paid prior to site commencement. The strategies for the demolition and construction phases should be submitted for approval at least 1 month prior to commencement of the respective phases.
- 6.14. **Housing Strategy:** Support. Proposal would meet Policy CP20 requirements to deliver 40% affordable housing on site, through delivery of 10 affordable homes. Affordable housing would usually be provided by a Registered Provider and the developer is required to approach RPs (including the council) and negotiate with them for the affordable housing. If no purchaser can be found the council may accept a commuted sum in lieu of affordable housing on site. This is an agreed policy position and funds provided can be used to support council housing initiatives to provide additional housing in the city. Split between rented (55%) and intermediate housing and First Homes (45%) meets the Council's requirements and national space standards. There is a higher proportion of larger properties (3 + bed) 40% compared to the council's requirements of 25% but this is acceptable as there is demand for larger sized family homes in the city where comparatively applicants need to wait longer to be rehoused. There

is also a higher percentage of studio/1 beds (40% compared to the council's requirements of 30%).

- 6.15. **Planning Policy:** No objection  
The application appears to be policy compliant subject to DM considerations and comments from other consultees.
- 6.16. CPP2 Policy DM4 allows for proposals involving the loss of residential accommodation for older people subject to meeting at least one of three specified criteria.
- 6.17. The policy also states that where the Council is satisfied that development involving the loss of accommodation for older persons is justified, the priority will be for an alternative form of supported housing or general housing (Use Class C3) including an appropriate amount of affordable housing.
- 6.18. Based on this it would appear that criterion b) of DM4 applies and the loss of the existing care home and its replacement by C3 general housing would therefore satisfy the policy requirements of CPP2 Policy DM4.
- 6.19. **Private Sector Housing:** No comment received
- 6.20. **Public Health:** No comment received
- 6.21. **Social Care:** No comment received
- 6.22. **Sustainability:** No objection  
Approve with the following recommended conditions:
- Water use to be no more than 110 Litres / person / day
  - Layout of roof-mounted solar array to be submitted
  - Biodiversity Net Gain
- 6.23. **Sustainable Drainage:** No objection  
Approval subject to conditions requiring provision of the following information:
1. Final details of the surface water strategy including an adequate management and maintenance plan, and;
  2. Final details of the foul water disposal strategy with approval from Southern Water.
- 6.24. **Sustainable Transport:**  
Initial comments: Further amendments required  
Further amendments are required, due to the risk to safety of residents and visitors on site from this proposal and being contrary to policy TR7 and City Plan. These include:
- Relocation of the parking spaces, as one or more have obscured visibility due to the corner of the proposed duplex residential unit and the undercroft pillars, therefore there is no visibility of pedestrians and on-coming traffic and in addition may result in dangerous manoeuvres by drivers accessing the space.

- A segregated pedestrian footpath/way that links the duplex flat to the Leicester Street pedestrian entrance is required to be proposed, that protects residents from the risk of collision with vehicles and cycles accessing the car park

Additional comments: No objection

- 6.25. Following negotiation with and details from the applicant these matters have been resolved via amended plans (submitted 13.10.22) to improve visibility splays along with a condition requiring signage and details of footways to the rear to be agreed via condition.

## 7. MATERIAL CONSIDERATIONS

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

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove City Plan Part Two (adopted October 2022)
  - 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).

## 8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

## Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM4	Housing and Accommodation for Older Persons
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM43	Sustainable Drainage
H1	Housing Sites and Mixed-Use Sites

## Supplementary Planning Documents:

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

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the impact on the character and appearance of the area, impacts on neighbouring amenity, sustainable transport impacts, and impact on the environment including ecology/biodiversity.

### Principle of the Development:

- 9.2. CPP2 Policy DM4 relates to Housing and Accommodation for Older Persons and notes that proposals involving the loss of residential accommodation for older people will only be permitted where at least one of three specified criteria apply:
- a) the existing provision is surplus to identified needs within the city;
  - b) the existing provision is incapable of meeting contemporary standards for the support and/or care required and appropriate alternative provision is available and has been secured for the occupants; or
  - c) the loss is necessary to enable the provision of accommodation for older people which is better able to foster independent living and meet changes in the support and care needs of the occupants.
- 9.3. The policy also states that where the Council is satisfied that development involving the loss of accommodation for older persons is justified, the priority will be for an alternative form of supported housing or general housing (Use Class C3) including an appropriate amount of affordable housing.

- 9.4. In this case, the applicant has provided a Strategic Review of the site, noting that while it was in use as a 20-bed care home with 14 bedsits, it had had an occupancy rate of 60% since at least 2010, and had closed in 2019. They note that this was in part because of the Council's shift away from residential care to community-based care, but also because of the limitations of the site in terms of rooms being undersized, lack of en-suite facilities, under-sized communal areas, lack of level access to/from the front door, changes in levels within the building, and narrow corridors. This reflects the age of buildings on the site, with some being 140 years old and the newest added in 1977.
- 9.5. The applicant has advised that the existing care home closed in 2019 with all residents relocated to other homes within the city, details of which have been provided.
- 9.6. The property was subsequently marketed for use as a C2 care home with no success. As such it is considered that loss of the care home is acceptable in relation to criterion (b) of Policy DM4 in that the existing provision was incapable of meeting contemporary standards for the support/care required, and appropriate alternative provision was secured for occupants.
- 9.7. Consideration must also be given to the acceptability of the proposed use of the site for housing, noting the support already given in Policy DM4 for the replacement of older persons' accommodation with housing (use class C3).
- 9.8. In addition, Policy CP1 in City Plan Part One sets a minimum housing 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 development 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. 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). The proposed provision of 25 units of accommodation is thus given significant weight in the planning balance.
- 9.9. City Plan Part One policy CP14 sets out considerations regarding the density of housing development in the context, particularly, of making the most efficient use of the limited land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets various criteria, in summary a high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.

- 9.10. The proposed residential density is approximately 100dph so would accord with policy CP14 in respect of density. The site is well located with good access to local facilities and services, and is well served by public transport. Given the city's housing requirement and the current supply position, the principle of residential development on the site is considered acceptable and given significant weight, subject to all other material considerations set out below.

Proposed Residential Mix:

- 9.11. City Plan Part One policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. A demographic analysis of the demand/ need for homes in the city over the plan period indicates that an estimated 65% of the overall demand/need (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); followed by 1 bedroom properties (24%) and four-plus bedroom properties (11%). In terms of the demand for market housing, the greatest demand is likely to be for two- and three-bedroom properties (35% and 36% respectively); while for affordable housing the majority of the requirement is likely to be for one- and two-bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.
- 9.12. A mix of residential units is proposed comprising 21 flats (84%) (5 studios, 2 x 1-bed, 9 x 2-bed and 5 x 3-bed) and 4 houses (16%) (3, 4 and 5 bed) which would broadly comply with Policy CP19 and the demand/need for housing sizes set out in its supporting text. The mix of affordable units (2 x 1-bed, 2 x 2- bed and 4 x 3-bed units) also broadly complies with the preferred mix set out in Policy CP20, although with a relatively higher proportion of 3-bed units. This was at the request of the Housing Team during pre-application discussions.

Affordable Housing:

- 9.13. For residential schemes of 15 units or more, policy CP20 seeks 40% on site affordable housing provision (or the equivalent financial provision), which the present scheme meets through providing 10 affordable units of the 25 proposed. In accordance with the policy, if a Registered Provider cannot be found to take on the homes, and they are not appropriate for Council purchase, a commuted sum would be provided in lieu of on-site provision.
- 9.14. Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable registered social landlords (RSL) would be secured within the s106.
- 9.15. On this basis, the proposal meets the requirements set out in CPP1 Policy CP20 regarding the provision of affordable housing.

**Standard of Accommodation:**

Internal Layout:

- 9.16. The proposed development would provide 25 dwellings set over four storeys.
- 9.17. 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. City Plan Part 2 proposes to adopt these standards as part of emerging Policy DM1, which can be given significant weight, so they are pertinent to the consideration of this application. The NDSS provide useful guidelines on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.

- 9.18. All units would comply with the minimum standards, and the size and layout of each unit is generally considered acceptable.
- 9.19. Most units are dual or adjacent aspect which would provide a suitable amount of light to the proposed homes. The only units which are single aspect are the mews studios to the rear which would have east facing frontages with skylights provided to allow extra light to the rear of the units, so are considered acceptable in terms of daylight/sunlight provision.
- 9.20. In regard to accessibility standards, a lift is proposed allowing access to all residential units proposed. In addition, three fully wheelchair user dwellings (meeting the requirements of M4(3) of the Building Regulations) are proposed, exceeding the 5% (2 dwellings) required by City Plan Policy DM1. This provision would be secured by condition.

Outdoor Amenity Space:

- 9.21. CPP2 Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Schemes should aim to provide private amenity space through balconies and/or garden space, as a sense of ownership of external space is important to any home.
- 9.22. All units would benefit from some level of private amenity space. The four houses to the north would benefit from private gardens, while all of the remaining units would benefit from small balconies. Additionally there is a shared amenity space in the form of a communal garden. While the external amenity space would be small for some of the flats, this is not unusual for flatted developments in the city, and the site is within 50m of Queens Park, and 500m from the seafront. Further, the design of the scheme has had to be sensitive to take into account the site's location in a conservation area.

- 9.23. Overall, it is considered that private and shared amenity space is acceptable.

Daylight/Sunlight:

- 9.24. The applicant has submitted an Internal Daylight Report to assess the levels of daylighting and sun lighting to all habitable rooms at lower ground floor level where the potential for poor sunlight/daylight is at its greatest.
- 9.25. The report outlines that daylight recommendations would exceed the requirements set out for industry guidance for all rooms assessed.

**Impact on Character and Appearance:**



- 9.26. Policy CP12 on urban design and SPD17 The Urban Design Framework (UDF) states that development should provide high quality design, create a sense of place, conserve and enhance the city's built archaeological heritage and settings and achieve excellence in sustainable building design and construction.
- 9.27. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 9.28. In this case, the existing modern building to the south of the site has little architectural or historic value so its demolition and replacement is a significant opportunity to provide a modern development that better respects the existing streetscene.
- 9.29. Initially the pre-application scheme was for demolition of the whole site and erection of 28 new homes in a modern block. However this was changed to the current scheme including dwellings after Heritage concerns were raised during the pre-application process given the site's prominent location within the Queen's Park Conservation Area.
- 9.30. While the modern block proposed is taller than surrounding properties to both the north and south, it is the same height as the existing building but with a much improved appearance in terms of design and materiality. Additionally, the top floor has been set back from the front elevation in order to minimise its impact on the streetscene. Alterations were made during the pre-application stage to the proposed front elevation including bringing the building forward slightly to better align with properties to the south, along with improved vertical articulation to compliment the streetscene better.
- 9.31. The materials proposed in the development are considered to successfully provide interest and texture to the development. The primary proposed material of brick would be accented by flint stone used as a decorative element to highlight architectural features, and the use of coated metal railings for balconies. It is considered that this material palette responds positively to the prevailing of Egremont Place and wider Queen's Park Conservation Area. The set back top floor would be built of a lighter aluminium cladding material to reduce its visibility. A condition is recommended to agree the details of all materials to be used in the external construction of the development.
- 9.32. The resulting scheme is considered to be positive in terms of its design and appearance, providing a high quality development to replace the existing buildings on site which are not considered to contribute to the streetscene.
- Impact on the Queens Park Conservation Area
- 9.33. CPP2 Policy DM29 states that 'Development within the setting of a heritage asset will be permitted where its impact would not harm the contribution that setting makes to the asset's significance, by virtue of the development's siting, footprint, density, scale, massing, design, materials, landscaping or use.'

- 9.34. The site lies within the Queen's Park Conservation Area and a number of listed building lie to the south on Egremont Place, although none are adjacent to the site.
- 9.35. 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.
- 9.36. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.37. The proposed development would sit within and respect the character of the area significantly better than the existing building, benefiting the character of the conservation area and its heritage features. The vertical elements and fenestration of the proposal would better respect the streetscene and the pattern established on Egremont Place to the south along with the historic buildings to the north. Although modern, the proposed design and materiality are considered to be an improvement over the existing and as such compliant with Policy DM29.

**Impact on the Environment:**

- 9.38. The development would require the loss of 17 trees currently to the unused rear of the site. However, the Arboriculture Team have assessed the existing trees and confirmed that they were not found to be of enough importance to apply a Tree Preservation Order so their removal is not opposed. Furthermore they have no objection to the scheme subject to appropriate conditions to secure replacement planting on the site and provide protection for existing street trees during development.
- 9.39. As such, a landscaping scheme has been submitted as part of the application which would provide the following:
- The planting of 18 native replacement trees of a variety of species to the rear of the site to provide both boundary planting and visual interest.
  - A landscaped community garden to the rear of the site for use by all residents. This would include wildflower planting, sensory shrubs and herbaceous areas.
  - Areas of rain gardens or raised planters at the rear.
  - Various shrubs and hedges to improve the visual amenity and biodiversity to the site.
  - Green roofs to all new elements of the construction.
- 9.40. To secure this and wider environmental benefits, a detailed Landscape Plan and Landscape and Environmental Management Plan would be required by condition. In addition, trees near the site would be protected during construction by fencing around their root protection areas, as secured through the Construction and Environmental Management Plan (CEMP), and the protective measures set out in the submitted Preliminary Ecological Appraisal would require to be implemented to ensure protected species and habitat is not disturbed during construction.

9.41. It is considered that on this basis the scheme is acceptable in terms of its impact on the environment.

**Impact on Amenity:**

9.42. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

9.43. The site is set within a predominantly residential area characterised by three storey terraced townhouses on Egremont Place with two storey houses to the rear on Tillstone Street.

9.44. With regards to sunlight and daylight, the application submission includes a detailed Daylight/Sunlight and Overshadowing report which assesses the impact of the scheme on the windows of neighbouring dwellings, in accordance with Building Research Establishment (BRE) guidelines. The results indicated all surrounding residential properties would be minimal, with internal daylighting levels remaining within acceptable limits. Overall it is considered that the loss of daylight/sunlight in some minor aspects would not warrant refusal of the application in this instance.

9.45. In regard to overlooking, the proposed development would include windows and balconies facing in all directions, with particular potential for impact on the rear of properties on Tillstone Street and Egremont Place. However, the mews studios would be two storeys in height, and would have no west-facing windows so there would be no loss of privacy to the rear of dwellings on Egremont Place. They would be some 15m from the rear of dwellings on Tillstone Street so the loss of privacy in this direction would also be minimal, particularly given the urban setting with the existing level of mutual overlooking. The new dwellings and flats at the northern end of the site would be even further from the rear of dwellings on Tillstone Street so the loss of privacy would not be significant. Although some impact in terms of loss of privacy and overlooking is recognised, it is not considered significant enough to outweigh the benefits of the scheme.

9.46. On this basis no significant harm to the amenities of existing/future residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with.

**Sustainable Transport:**

9.47. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102), and Policy CP9 c) of the Brighton and Hove City Plan Part One is also relevant relating to sustainable transport.

- 9.48. A Construction Environmental Management Plan (CEMP) is recommended to be secured by condition to address concerns about highway safety during construction, as well as associated noise, environmental and amenity impacts.

Access:

- 9.49. The proposed development would utilise the existing vehicle access on Leicester Street to the rear, along with pedestrian accesses both to the front and rear.

Vehicle Parking

- 9.50. Seven carparking spaces are proposed on site, including three disabled spaces for the accessible units and four car parking spaces for each of the proposed houses. This is significantly below the 29 spaces set out in the parking standards (SPD14). However, this is a maximum figure, and the site is within a Controlled Parking Zone (CPZ) so it was agreed at the pre-application stage that the units would be 'car free', with details of the development passed to the parking team to ensure residents would not be entitled to car parking permits. Further, a Travel Plan would be secured by legal agreement, including the provision of discounted bus travel and car club membership for residents. On this basis, the car parking provision is considered acceptable, and would not result in increased pressure on the surrounding carparking, particularly as it is within a CPZ.

- 9.51. The four car parking spaces would be located below the mew studio units, but would be allocated to the dwellings to the north of the site. There may be therefore be some disturbance for residents of the studios. However, this is not unusual in a dense residential development, and is not so significant as to warrant refusal of the application.

Cycle Parking:

- 9.52. With regards to cycle parking, the application proposes 36 cycle spaces, including 32 spaces within 2- tier storage and 8 spaces provided as Sheffield stands. This quantum exceeds the SPD14 standards, and the details of the cycle parking would be secured by condition.

Trip Generation:

- 9.53. The applicant's Transport Statement estimates an additional 25 vehicle trips per day over the existing care home use which is likely to be an overestimate, given the lack of parking associated with the scheme, and is not considered significant in terms of its impact on highway capacity or road safety.

Vehicle Safety:

- 9.54. The Transport Team initially raised concerns about the safety of pedestrians using Leicester Street to the rear to access the parking for the Mews Studios. Following negotiation with and details from the applicant these matters have been resolved via amended plans (submitted 13.10.22) to improve visibility plays along with a condition requiring signage and details of footways to the rear to be agreed prior to occupation.

**Sustainability:**

- 9.55. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 9.56. The submitted Energy and Sustainability Statement and Whole-Life Carbon Assessment outlines measures included within the proposal. These measures listed below are considered sufficient to comply with the requirements of City Plan Policy CP8 subject to conditions relating to water use and details pertaining to the solar array proposed for the roof.
- 9.57. Solar panels and Air Source Heat Pumps (the principle source of carbon reductions for the development) are proposed in the development. The Whole Life Carbon Assessment demonstrates that the demolition/rebuild option is found to emit less carbon emissions over the life of the development, mainly because energy use is much lower due to measures including the PV panels and heat pumps, but also building fabric improvements, low energy lighting.
- 9.58. Openable windows will provide fresh air and purge ventilation; with trickle vents to provide ventilation when windows are closed along with standard mechanical extraction from wet rooms/kitchen
- 9.59. Water standards shall be secured by condition to addresses policy CP8 requirements.

**Other Considerations:**

Ecology/Biodiversity/Trees:

- 9.60. The site currently comprises buildings and hard standing and is of relatively low ecological value although 17 trees would be lost to the rear of the site, to be replaced with 18 semi-mature trees, and a range of smaller trees and vegetation across the site, to be secured by condition, as would green roofs.
- 9.61. A Preliminary Ecological Assessment has been submitted with the application which includes a range of mitigation measures which would be secured by condition, as would ecological enhancement through a Landscape and Environmental Management Plan. On this basis, the scheme is considered acceptable in terms of its impact on biodiversity, including trees.

Waste Management:

- 9.62. A Site Waste Management Plan (SWMP) was sought by condition, but the separation of construction/demolition waste into recyclable material, and the safe disposal of waste is covered through the separate Environmental Permitting regulations so this is not considered necessary.
- 9.63. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details are required by condition.

## **10. CONCLUSION**

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits
- 10.2. As noted previously the Council is currently unable to demonstrate a 5-year housing supply so the provision of additional dwellings must be given significant weight. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of housing, including affordable housing without significant harm to the amenities of adjacent occupiers.
- 10.3. The applicant has clarified that the care home has not been in use since 2019, and even at that point was underutilised. Residents have been accommodated elsewhere in the city, so on this basis, the replacement of the care home facility with residential units is considered acceptable.
- 10.4. The proposed housing mix is acceptable, and subject to relevant conditions would provide good living conditions for future occupiers. All residential units would have a balcony or garden, and also direct access to the shared amenity spaces, along with Queens Park close by.
- 10.5. The proposed development would provide sustainable transport improvements including an acceptable provision of cycle parking and a Travel Plan which will offer a number of measures to reduce reliance on the private car. The small amount of car parking on site is considered acceptable as accessibility to public transport is excellent, and overall it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the perceived harm of parking overspill.
- 10.6. Other factors including impacts relating to ecology, sustainability, and landscaping, have been assessed and have been considered acceptable.
- 10.7. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £

429,750. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

## **12. EQUALITIES**

- 12.1. The development would be required to comply with optional access standards by condition, and 3 no. wheelchair accessible units would be provided on the ground floor in accordance with Building Regulation requirement Part M4(3). Furthermore 3 no. disabled parking spaces would be provided.

## **13. CLIMATE CHANGE/BIODIVERSITY**

- 13.1. The proposed development would result in new dwellings being constructed to modern standards with a requirement to meet sustainability standards for water and energy efficiency. The proposed development would include a green roof, bee bricks and bird boxes by condition, and a condition to enhance the nature conservation interest of the site will all benefit biodiversity in the city.
- 13.2. 13.2 The Biodiversity Net Gain calculation gives a total net-gain of 0.33 new habitat units and 0.48 hedgerow units across the Site, which equates to a net percentage increase of +5.31% in habitat units. Overall, the development is not anticipated to deliver a minimum 10% biodiversity net gain. It is recommended that further opportunities to enhance biodiversity on-site should be sought, and off-site habitat creation and enhancement measures should be considered. A Landscape and Ecology Management Plan (LEMP) or similar should be secured through a planning condition.

## **14. S106 AGREEMENT**

- 14.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
  2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

4. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.





## PLANNING COMMITTEE LIST

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

**Cllr. Nicholas Childs**

**BH2022 02167 - 35 - 36 Egremont Place**

**19th August 2022:**

I write to object to the aforesaid planning application on the following grounds.

- Egremont Place is a very narrow road and acts as a noise corridor. The impact of the extensive building works will be inescapable for residents who will be subjected to the detrimental effects from 8-6 on weekdays and 8-1 on Saturdays. This will provide no respite and will have serious consequences on the wellbeing and mental health of those exposed to it.
- the development will destroy and place at risk part of the natural habitat as it necessitates the removal of established, mature and healthy trees. This appears to be in direct contradiction to the Council's own 2016 Development Plan.
- The streets around the site are already quite crowded with a number of HMOs. The application proposes further multiple living spaces, increasing the residence level significantly beyond its current capacity and adding to an already densely populated area, putting further pressure on 2 parking and adding to the noise level. I consider the impact of the proposal to affect the amenity of local residents to an unacceptable level.
- I consider the proposal to constitute an overdevelopment in a densely populated area and not reasonable in planning terms.
- I note that the development is situated in or near a conservation area and the scale and overdevelopment render the proposal contrary to protecting the character of such an area
- The Proposed Development provides minimal car parking for the building, instead, encouraging visitors to use public transport and sustainable transport methods. In reality the development will lead to an increased and unacceptable demand on the already limited on street parking. It will also lead to an increase in traffic flows to the surrounding streets.

I would ask that the application is brought before the Planning Committee.



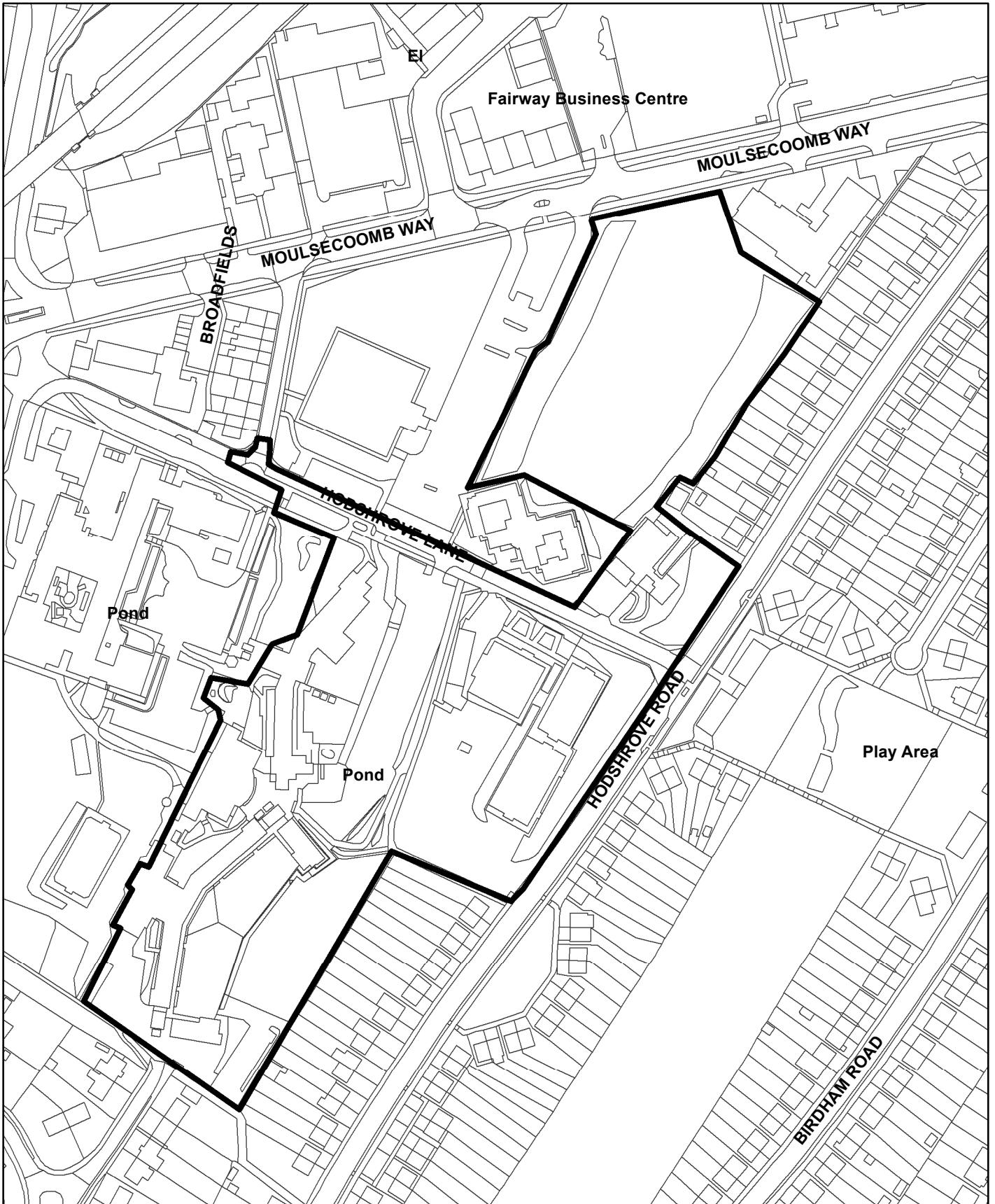
# **ITEM C**

**Moulsecoomb Hub North  
BH2022/01063  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**



# BH2022 01063 - Moulsecoomb Hub North



N



Scale: 1:2,000



<b><u>No:</u></b>	<b>BH2022/01063</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Moulsecoomb Hub North Hodshrove Lane Brighton BN2 4SE</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and redevelopment of site to provide new homes, a community hub building (Use Class E &amp; F), 3G sport pitches, skate park, public open space and associated infrastructure. (For information: Proposed buildings to be erected range from 2no to 8no storeys with up to 212 homes and up to 3,038 sqm of community floorspace).</b>		
<b><u>Officer:</u></b>	<b>Ben Daines, tel: 295783</b>	<b><u>Valid Date:</u></b>	<b>05.04.2022</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>05.07.2022</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Savills Mocatta House Trafalgar Place Brighton BN1 4DU</b>		
<b><u>Applicant:</u></b>	<b>Brighton And Hove City Council Estate Regeneration Hove Town Hall Norton Road Hove BN3 4AH</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before 1 March 2023 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 14 of this report:

### Affordable Housing

- Secure a minimum of 40% of the development as Affordable Housing
- 10% of affordable units to be built to Building Regulations M4(3) standard
- Affordable Housing Mix sizes to comprise: 30% 1-bed, 45% 2-bed, 25% 3-bed

### Artistic Component

- Commissioning and installation of artistic component on the site to the value of **£73,455** to be integrated as part of the development design or located elsewhere in the immediate vicinity.

### Community Hub

- Provision, maintenance and management of community hub

### Employment and Training

- Developer contribution of **£76,000** to support training and apprentice placements

- Employment and Training Strategies required for both demolition and construction phases demonstrating a minimum percentage of 20% local employment.

#### Sports Provision and Open Space

- Provision, maintenance and management of 3G pitches
- Provision, maintenance and management of skatepark
- Provision, maintenance and management of other play areas, open spaces, other public spaces and landscaping.

#### Transport

- The requirement of two car club bays, the provision of the second bay being subject to travel plan monitoring and survey outcomes that deem an additional bay and vehicle is necessary, after one year of occupation.
- Travel Plan including but not limited to:
  - monitoring and surveys of non-residential disabled parking and car club bay use (as above).
  - Car club bays and vehicles & membership package detailed below and Free/ discounted bus ticket (to be agreed with LPA and the LHA's travel plan officer)

#### Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	MOU-BHCC-S-ZZ-DR-A-001	A	25 March 2022
Block Plan	MOU-BHCC-S-ZZ-DR-A-002	A	25 March 2022
Location Plan	MOU-BHCC-S-ZZ-DR-A-003	A	25 March 2022
Block Plan	MOU-BHCC-S-ZZ-DR-A-004	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-005	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-006	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-007	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-020	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-EL-DR-A-010	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-EL-DR-A-011	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-EL-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-00-DR-A-010	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-00-DR-A-040	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-00-DR-A-050	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-00-DR-A-060	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-01-DR-A-011	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-01-DR-A-041	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-02-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-02-DR-A-042	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-03-DR-A-013	A	25 March 2022



Proposed Drawing	MOU-BHCC-B-03-DR-A-043	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-04-DR-A-014	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-04-DR-A-044	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-04-DR-A-052	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-04-DR-A-062	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-EL-DR-A-020	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-EL-DR-A-021	A	25 March 2022
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Proposed Drawing	MOU-BHCC-B-EL-DR-A-024	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-RL-DR-A-015	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-ZZ-DR-A-001	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-ZZ-DR-A-002	A	25 March 2022
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Proposed Drawing	MOU-BHCC-B-ZZ-DR-A-051	A	25 March 2022
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Proposed Drawing	MOU-BHCC-B-04-DR-A-052	A	25 March 2022
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Proposed Drawing	MOU-BHCC-H-EL-DR-A-021	A	25 March 2022
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Proposed Drawing	MOU-BHCC-H-EL-DR-A-023	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-EL-DR-A-024	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-RL-DR-A-016	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-SX-DR-A-031	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-ZZ-DR-A-001	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-ZZ-DR-A-005	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-ZZ-DR-A-052	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-ZZ-DR-A-062-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-ZZ-DR-A-062-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-00-DR-A-010	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-00-DR-A-040	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-00-DR-A-050	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-00-DR-A-060-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-00-DR-A-060-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-01-DR-A-011	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-01-DR-A-041	A	25 March 2022

Proposed Drawing	MOU-BHCC-J-01-DR-A-051	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-01-DR-A-060-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-01-DR-A-060-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-01-DR-A-061-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-01-DR-A-061-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-02-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-02-DR-A-042	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-03-DR-A-013	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-03-DR-A-043	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-04-DR-A-014	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-04-DR-A-044	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-04-DR-A-053	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-04-DR-A-063	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-EL-DR-A-020	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-EL-DR-A-021	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-EL-DR-A-022	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-RL-DR-A-015	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-SX-DR-A-031	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-ZZ-DR-A-001	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-ZZ-DR-A-005	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-ZZ-DR-A-052	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-00-DR-A-010	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-00-DR-A-040	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-00-DR-A-050	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-00-DR-A-060-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-00-DR-A-060-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-01-DR-A-011	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-01-DR-A-041	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-02-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-02-DR-A-042	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-03-DR-A-013	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-03-DR-A-043	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-04-DR-A-014	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-04-DR-A-044	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-04-DR-A-052	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-04-DR-A-062-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-04-DR-A-062-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-05-DR-A-015	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-05-DR-A-045	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-05-DR-A-053	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-05-DR-A-063-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-05-DR-A-063-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-EL-DR-A-020	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-EL-DR-A-021	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-EL-DR-A-022	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-EL-DR-A-023	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-EL-DR-A-024	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-RL-DR-A-016	A	25 March 2022

Proposed Drawing	MOU-BHCC-K-SX-DR-A-031	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-ZZ-DR-A-001	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-ZZ-DR-A-005	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-ZZ-DR-A-051	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-ZZ-DR-A-061-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-ZZ-DR-A-061-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-00-DR-A-010	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-00-DR-A-040	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-00-DR-A-050	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-00-DR-A-060	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-011	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-041	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-051	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-061-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-061-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-02-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-02-DR-A-042	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-03-DR-A-013	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-03-DR-A-043	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-04-DR-A-014	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-04-DR-A-044	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-05-DR-A-015	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-05-DR-A-045	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-06-DR-A-016	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-06-DR-A-046	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-06-DR-A-053	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-06-DR-A-063-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-06-DR-A-063-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-07-DR-A-017	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-07-DR-A-047	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-07-DR-A-054	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-07-DR-A-064-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-07-DR-A-064-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-EL-DR-A-020	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-EL-DR-A-021	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-EL-DR-A-022	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-EL-DR-A-023	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-EL-DR-A-024	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-RL-DR-A-018	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-SX-DR-A-031	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-ZZ-DR-A-001	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-ZZ-DR-A-005	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-ZZ-DR-A-052	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-ZZ-DR-A-062-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-ZZ-DR-A-062-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-00-DR-A-010	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-01-DR-A-011	A	25 March 2022

Proposed Drawing	MOU-BHCC-M-02-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-03-DR-A-013	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-04-DR-A-014	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-EL-DR-A-020	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-EL-DR-A-021	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-EL-DR-A-024	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-ZZ-DR-A-001	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-ZZ-DR-A-005	A	25 March 2022
Proposed Drawing	MOU_REG_S_XX_DR_L_001	B	25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-002		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-003	B	25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-004		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-006		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-007		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-008		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-009		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-010		25 March 2022
Proposed Drawing	MOU_REG_S_XX_DR_I_005	C	4 October 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9100	P5	30 September 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9101	P5	30 September 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9102	P5	30 September 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9102	P5	30 September 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9460	P1	30 September 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9150	P1	30 September 2022
Report/Statement	Combined Geotechnical and Quantitative Ground Contamination Risk Assessment Site 6		13 September 2022
Report/Statement	Drainage Maintenance Schedule Part 1 and 2		13 September 2022
Report/Statement	Combined Geotechnical and Quantitative Ground Contamination Risk Assessment Site 5		13 September 2022
Report/Statement	Acoustic Associates Sussex Ltd Proposed Housing Development / Site Regeneration		20 July 2022
Report/Statement	Preliminary Ecological Appraisal		25 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. 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 and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
  
4. Notwithstanding the details shown on the approved plans, no development above ground floor slab level shall take place until typical bay studies showing full details of doors, windows and their reveals and cills, balconies and french doors including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
  
5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
  
6. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design,

use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

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

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove 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.

8. Other than demolition works, 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 CP12 of the Brighton & Hove City Plan Part One.

9. 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.

10. Within 6 months of first occupation of the Community Hub building hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the building has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

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



11. Prior to first occupation of the development hereby approved, details of the photovoltaic arrays proposed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

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

12. The development hereby permitted shall not be first occupied or brought into use until an External Lighting Design Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include any proposed lighting of sports facilities, lamps and luminaires erected as part of the development and any lighting of public open spaces and shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed and light spill minimised (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, and that impacts on neighbouring residents have been minimised.
- c) include details of levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation, design and appearance and details of maintenance;
- d) include evidence to demonstrate that the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part c) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part c);
- e) demonstrate that the external lighting installations comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011), or similar guidance recognised by the council;
- f) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

All external lighting shall be installed, operated and maintained in accordance with the specifications and locations set out in the approved Strategy, and these shall be maintained thereafter in accordance with the approved Strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to safeguard the setting of the South Downs National Park and its Dark Skies Reserve status to comply with policies CP10 and CP16 of the Brighton and Hove City Plan Part One and DM40 of the City Plan Part Two and to protect species and wildlife habitats as many species active at night (e.g. bats and badgers) which are sensitive to light pollution. The introduction of artificial light might mean such species may be disturbed and /or discouraged from using their breeding

and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would be contrary to policies CP10 of the Brighton and Hove City Plan Part One and policies DM20, DM40, and DM37 of the Brighton and Hove City Plan Part Two.

13. The wheelchair accessible dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance from the appointed Building Control body shall be submitted to the Local Planning Authority prior to first occupation.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of City Plan Part 2.
14. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.
15. The respective phases of the development hereby permitted shall not be commenced (including all preparatory work) until the protection measures identified in the submitted Arboricultural Method Statement, dated 9th March 2022, 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 CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
16. Prior to the commencement of each respective phase of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The

development thereafter shall be implemented in strict accordance with the approved details.

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

17. The respective phases of the development hereby permitted shall not be commenced (including demolition and all preparatory work) until a pre-commencement meeting is held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

**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 CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

18. All ecological measures and/or works shall be carried out in accordance with the details contained in paragraph 4.4.29 of the approved Preliminary Ecological Appraisal (PJC Consultancy, 17/03/22) .

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

19. No development shall take place until an ecological design strategy (EDS) addressing the retention and protection of retained habitats and enhancement of the site to provide biodiversity net gain, in line with the recommendations in the Preliminary Ecological Appraisal (PJC Consultancy, 17/03/22) and the Preliminary Bat Roost Assessment and Bat Emergence Survey Report (PJC Consultancy, 17/03/22) 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.

20. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of 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 responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

21. No development, including site clearance, preparation and demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways). The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)

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

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

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste. Also to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

22. No development of the 3G pitch hereby approved shall commence until full details of the design and layout of the 3G pitch have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The 3G pitch shall not be constructed other than in accordance with the approved details.

**Reason:** To ensure the development is fit for purpose and sustainable and to comply with policies CP16 and CP17 of the City Plan Part One. .

23. Use of the 3G pitch shall not commence until:

- (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development is fit for purpose and sustainable, Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits, and to comply with policies CP16 and CP17 of the City Plan Part One.

24. Before the 3G pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Scheme shall include measures to ensure the replacement of the 3G AGP within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G pitch.

**Reason:** To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure

sufficient benefit of the development to sport, and to comply with policies CP16 and CP17 of the City Plan Part One.

25. The uses hereby permitted within the main Community Hub building shall be as shown on drawing MoU-BHCC-M-ZZ-DR-A-005-A only. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2021 (or any order revoking and re-enacting that Order with or without modification), no change of use of those hereby permitted shall occur without express planning permission being obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to ensure community uses are satisfactorily maintained at the site and not unduly compromised by competing uses, to comply with policy DM9 of the City Plan Part 2.

26. Demolition of the existing buildings on site hereby permitted shall be phased in accordance with the approved Demolition Plan (by Phase) (drawing no. MOU-BHCC-S-ZZ-DR-A-020 Rev A). No demolition works shall take place on the 67 Centre and Hillview Contact Centre until the Community Hub has been completed and ready for occupation and no demolition works shall take place on the existing MUGAs until the 3G pitches have been completed and are ready for use.

**Reason:** To ensure continuity of community and sports provision and to comply with policy CP16 of the City Plan Part One and DM9 of the City Plan Part Two.

27. Notwithstanding the plans hereby permitted, no development above ground floor slab level shall commence until details of the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of the following -

- Geometry and layout, including dimensions and visibility splays
- Pavement constructions and surfacing, kerbs and edge restraints
- Levels and gradients
- Lighting
- Drainage
- Street furniture
- Trees, other planting, growing media and planting aids
- Traffic signs and road markings;
- Details that demonstrate delivery vehicles (such as panel vans) pass large cars throughout the site

**Reason:** In the interest of highway safety, sustainability, quality design, and public amenity and to comply with policies CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One and policies DM18, DM22, DM33 and DM36 of the City Plan Part Two.

28. The development hereby permitted shall not be used/occupied until a Delivery & Service Management Plan for the Community Hub, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements, has been submitted to and approved in writing by the Local Planning Authority. All deliveries, servicing and

refuse collection shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20, DM33, and DM40 of the Brighton & Hove City Plan Part 2.

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

- A scheme for conveying allocations to occupiers of the development.
- Controls to limit access to and within the parking area.
- A scheme to provide security for users of parking area.

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

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

30. 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, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

31. Notwithstanding the plans hereby approved, the development hereby permitted shall not be occupied until details of secure cycle parking facilities (including provision for larger cycles such as cargo bikes) for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

32. The 3G pitch hereby permitted shall not be used outside the hours of 09.00 to 21.00 daily and all floodlighting associated with the pitch will be turned off by 21.30 hours.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

33. Prior to the use of the skatepark hereby permitted, a management plan for the skatepark setting out noise management and safety measures shall be submitted to and approved by the Local Planning Authority. The details within the plan shall encompass the recommendations set out on pages 37 and 38 of

the Noise Assessment 'Proposed Housing Development/Site Regeneration Date: 23/02/2022, Project: J3102, Issue 1, Site: Moulsecoomb Hub, Brighton. BN2 4SE, produced by 'Acoustic Associates Sussex Ltd.' The approved management plan shall be fully implemented prior to first use of the skatepark and thereafter maintained.

**Reason:** To safeguard the amenities of the locality and to comply with policy CP15 of the City Plan Part One and DM20 and DM40 of Brighton & Hove City Plan Part Two.

34. Prior to the use of the 3G pitch hereby permitted, a management plan for the pitch setting out noise management measures shall be submitted to and approved by the Local Planning Authority. The details within the plan shall encompass the recommendations set out on pages 37 and 38 of the Noise Assessment 'Proposed Housing Development/Site Regeneration Date: 23/02/2022, Project: J3102, Issue 1, Site: Moulsecoomb Hub, Brighton. BN2 4SE, produced by 'Acoustic Associates Sussex Ltd.' The approved management plan shall be fully implemented prior to first use of the 3G pitch and thereafter maintained.

**Reason:** To safeguard the amenities of the locality and to comply with policy CP15 of the City Plan Part One and DM20 and DM40 of Brighton & Hove City Plan Part Two.

35. No development above ground floor slab of the residential units hereby permitted shall take place until a detailed soundproofing scheme for these units has been submitted to and approved in writing by the Local Planning Authority. The approved soundproofing shall be fully implemented prior to the first occupation of the residential units and shall thereafter be retained.

**Reason:** To protect the amenity of future residents and to comply with policies DM20 and DM40 of the City Plan Part Two.

36. Any plant or machinery associated with the development, including air source heat pumps and similar, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level equal to or below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142: 2014.

**Reason:** To protect the amenity of future residents and to comply with policies DM20 and DM40 of the City Plan Part Two.

37. Glazing of the residential units hereby permitted shall be implemented in strict accordance with the approved specification and detail found on pages 32, 33, and 34 of the Noise Assessment named 'Proposed Housing Development/Site Regeneration', Date: 23/02/2022, Project: J3102, Issue 1, Site: Moulsecoomb Hub, Brighton. BN2 4SE, produced by 'Acoustic Associates Sussex Ltd.' This shall include the improved glazing that is required on the 10 facades where exceedances of guideline noise levels where identified.

**Reason:** To safeguard the amenities of future occupiers of the proposed development and to comply with policy DM20 and DM40 of the City Plan Part Two.



38. Prior to the use of the 3G pitch hereby permitted, details of the specification, construction and location of a noise barrier shall be submitted to an approved by the Local Planning Authority. The approved noise barrier shall be implemented prior to the use of the 3G pitch and retained as such thereafter.  
**Reason:** To protect the amenity of the locality and to comply with policy DM20 and DM40 of the City Plan Part Two.
39. Notwithstanding the submitted details, no development shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. CCTV surveys of the existing sewerage network shall be submitted as part of the drainage strategy. The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of the City Plan Part Two.
40. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.  
**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.
41. Prior to occupation of Block B, details of privacy screens on the northern side of the balconies serving flats 9, 16 and 23 shall be submitted to and approved in writing by the Local Planning Authority. These privacy screens shall be implemented prior to occupation of Block B and thereafter retained.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy DM20 of Brighton & Hove City Plan Part 2.
42. Prior to the commencement of the development hereby approved, an amended Traffic Management Plan will be submitted to and approved by the Local Planning Authority. The Traffic Management Plan shall be implemented in accordance with the approved details.  
**Reason:** In the interests of highway safety and to comply with policy DM33 of the City Plan Part Two.
43. Prior to the commencement of development, excluding to slab level, details of active play equipment to be provided in the of the equipped area/s of play shall be submitted to and approved in writing by the local planning authority. The approved equipment shall be installed before the first occupation of the development.  
**Reason:** To ensure the provision of satisfactory equipped area/s of play and for the amenities of the development, in accordance with Policy CP16 of the Brighton & Hove City Plan Part One.

44. The development hereby permitted shall not be commenced (except demolition) until details of proposed wind mitigation as outlined in the report 'Brighton & Hove City Council Moulsecoomb Housing & Community Hub Environmental Wind Desktop Study Report' dated 24 May 2022 have been submitted to and approved in writing by the Local Planning Authority. The wind mitigation measures shall be implemented in accordance with the approved details and thereafter retained.

**Reason:** In the interests of public safety and amenity and to comply with Policy DM20 of the 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 water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
4. The Construction Environmental Management Plan shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).
5. Mechanical and Electrical design should work to maximise self-consumption on site and review BHCC's SOLARISE housing pilots for information about self-consumption in accommodation blocks.
6. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

7. 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.
8. 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.
9. Details of the proposed adoption of part of Hodshrove Lane should be discussed at the S278 stage with the Highway Agreement team.
10. 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 provisions of the Environmental Protection Act 1990, should any complaints be received.

## **2. SITE LOCATION**

- 2.1. The application site comprises 3.5 hectares of land, located in north east Brighton, to the east of Lewes Road (A270). The area is predominantly residential in character but Moulsecoomb Primary School is located immediately to the west of the site, Moulsecoomb Health Centre to the north, and Moulsecoomb Community Leisure Centre and associated playing fields to the north/north-east. The site is dissected by Hodshrove Lane and bounded by Moulsecoomb Way to the north, Hodshrove Road to the east, and Hillside to the south. The site itself currently comprises a range of open spaces, community buildings and offices as follows:
  - Hillview Contact Centre (community use)
  - 67 Centre (youth services)
  - Moulsecoomb Hub North (social work services) - currently vacant
  - Moulsecoomb Hub South (social work services) – currently vacant
  - Boxing club
  - Children’s Centre
  - Two Multi Use Games Areas (MUGAs)
  - A playing pitch / fields
  - Amenity greenspace
- 2.2. The existing buildings on the site are relatively low rise, ranging from one to two storeys in height and are of little architectural or historic interest, being relatively utilitarian in appearance.
- 2.3. The site lies within a valley and the topography slopes downwards from east to west. The South Downs National Park (SDNP) surrounds the built up area boundary in this area towards the east, north and west at the highest points of the valley. Pedestrian access to the SDNP from the site can be achieved via footpaths between the residential developments on Hodshrove Road to the east. These footpaths link to Public Rights of Way (PRoW) in the SDNP.

- 2.4. Access to the site is via Hodshrove Lane which is a verdant street that is two way east of the main access into the site and then one way as it narrows to the west of this access.
- 2.5. Whilst SPD14: Parking Standards identifies the site as being within the Outer Area of the City, it is located close to an identified Key Public Transport Corridor (Lewes Road) and as a result has good access to the City's bus network. Moulsecoomb Train Station is approximately 1km from the centre of the site and provides transport links to Brighton and further afield. However, the site is still some distance from the main shops and services on Lewes Road.
- 2.6. The site is located within Flood Zone 1 and therefore has a low probability of flooding from fluvial and tidal sources. However, there are areas within the site that have a high risk of surface water flooding.
- 2.7. An Archaeological Notification Area covers most of the site and while the site has a long history, there are no listed buildings on or near the site and the site is not within a Conservation Area.
- 2.8. Having regard to ecology, the site falls within a Nature Improvement Area (NIA). There are also a number of Local Nature Reserves within a reasonable proximity to the site including Wild Park to the west and Bevendean Down to the north east and South.

### 3. RELEVANT HISTORY

- 3.1. There are no directly relevant planning applications on this site. However, the following pre-application enquiry is of direct relevance:

28 July 2020 – 25 March 2022	<p><b>PRE2021/00014:</b> Formal pre-application discussions took place regarding the proposed development between 28 July 2020 and 25 March 2022. A Planning Performance Agreement was also signed during this period. A number of amendments and improvements have been made to the scheme since the first pre-application submission including the following:</p> <ul style="list-style-type: none"> <li>• Relocation of the Community Hub from the north side of Hodshrove Lane to the south. This has helped to improve its relationship with Hodshrove Lane and ensure it will be a central element of the proposals.</li> <li>• Relocation of the skatepark to the north-west corner of the site, adjacent to the Community Hub and Hodshrove Lane. This has improved the relationship with the proposed flat blocks and has</li> </ul>
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	<p>helped to ensure a more active frontage onto Hodshrove Lane.</p> <ul style="list-style-type: none"> <li>• Relocation of the proposed 3G pitches from the south of Hodshrove Lane to the recreation area north of Hodshrove Lane. Given that 3G pitches generally require 4.5m high perimeter fencing, the provision of 3G pitches on the south side of Hodshrove Lane, facing directly on to Hodshrove Lane, would have created an inactive, uninviting frontage for a significant part of the development. The relocation of the pitches to the north of the site also improves the relationship with the existing sports centre.</li> <li>• An increase in the amount of residential units facing on to Hodshrove Lane. This helps to provide a more active frontage on to Hodshrove Lane.</li> <li>• Reorientation of Block G and amendments to a number of residential blocks to reduce the number of single aspect units. Amendments to the various proposed residential blocks to provide more dual aspect units help to significantly improve the standard of accommodation.</li> </ul> <p>It should also be noted that the proposed development was taken to the Design South East DesignPLACE panel on two separate occasions – in 2020 and 2021 respectively. A number of recommendations were made by the DesignPLACE panel, many of which are reflected in the amendments set out above.</p>
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#### **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks permission for the demolition of the following buildings:
- The Hillview Centre
  - The 67 Centre
  - Moulsecoomb Hub North
  - Moulsecoomb Hub South
- 4.2. The services within the existing Moulsecoomb Hub North and South buildings have already been relocated to the former Portslade 6<sup>th</sup> Form Building on Mile Oak Road in Portslade.
- 4.3. The existing hard surfaced MUGAs on the site will also be demolished.

- 4.4. With the exception of the Boxing Club and the Children's Centre (both of which will be retained on site), the application seeks permission to redevelop the site to provide the following:
- 212 new affordable rented homes comprising eight apartment blocks and four pairs of semi-detached houses.
  - A community hub comprising a library, youth services, adult education, health facilities including a GP surgery, and a café.
  - A small retail unit within the ground floor of Block D.
  - A skate park to the south of Hodshrove Lane.
  - A 7v7 3G pitch (that can be converted to two 5v5 pitches) on the playing fields on the north side of Hodshrove Lane.
  - Additional smaller scale recreational facilities including play parks, incorporated into the overall public realm strategy.
- 4.5. The eight residential blocks (Blocks B, D, E, G, H, J, K and L) would range in height from 3 to 8 storeys, with the tallest blocks located on the lowest part of the site towards the south west. The Community Hub building, would range from 3 to 4 storeys in height over split levels due to the topography of the site. The four semi-detached dwellings, also on a split level, would be two storeys in height (plus rooms in the roof) but would appear as chalet style bungalows when viewed from Hodshrove Road.
- 4.6. Access to the site would be via Hodshrove Road to the east, Hodshrove Lane, and Hillside to the south. Alterations to Hodshrove Lane are also proposed to make it narrower and more pedestrian friendly. This includes making the whole of Hodshrove Lane one way (travelling east to west) as well as the addition of further planting, new pedestrian crossings, and three additional parking spaces.
- 4.7. Hillside to the south would effectively be extended into the site to link with Hodshrove Lane to the north. Whilst not a shared surface, the new access road running north to south through the centre of the site between Hodshrove Lane and Hillside has been designed to reduce vehicle speeds and create a pedestrian friendly environment. A secondary access is also proposed off Hodshrove Lane serving Blocks D, E, F and G.
- 4.8. 115 parking spaces are proposed throughout the development. 77 of these are proposed to serve the residential units and 38 would serve the non-residential uses on the site. Of the 115 parking spaces, 19 are wheelchair accessible spaces. Six motorcycle spaces would also be provided along with 353 cycle spaces (323 spaces for the residential units and 30 spaces for the non-residential uses).
- 4.9. The proposal also includes significant public realm enhancements including new play spaces, amenity areas and significant amounts of new planting across the site.
- 4.10. The proposed development would be undertaken in two phases. The western side of the site would be demolished first and the new Community Hub constructed before demolition and development takes place on the eastern side. This would allow the 67 Centre and the Hillview Centre to operate until the new

Community Hub is constructed, and the youth services within the 67 Centre along with uses within the Hillview Centre can be, where necessary, relocated into the new Community Hub.

## **5. REPRESENTATIONS**

5.1. Thirteen unique representations have been received. Nine of these are objections raising the following issues:

- Additional traffic
- Insufficient parking leading to overspill
- Roads are too narrow to cope with overspill parking
- Increased noise pollution due to balconies and skate park
- Loss of view to Wild Park
- Loss of light
- Overlooking and loss of privacy
- Overlooking of school
- Anti-social behaviour at skatepark
- Lack of engagement and insufficient consultation
- Ugly blocks of buildings
- Too high
- Overdevelopment
- Out of character
- Loss of biodiversity
- Disturbance during construction
- No provision for local shopping
- Impact will be worsened due to Moulsecoomb Way development
- No new cycle routes proposed
- Loss of valuable greenspace
- Swift bricks/boxes should be incorporated into the development
- The proposed leisure facilities such as the skatepark and 3G pitch are niche and non-inclusive.
- Rents should be set as low as possible.
- The Council has made the whole process intentionally difficult for people to understand and it has been difficult to obtain information regarding the application.
- Disturbance to the school during construction phase
- Loss of buildings supporting several community groups

5.2. The issue raised in support of the application related to the benefit of providing new Council housing.

5.3. Officer Note: In relation to issues concerning a lack of consultation, it should be noted that a Statement of Community Involvement was submitted with the planning application setting out the stages of consultation with local residents prior to submission of the planning application. This included setting up a Neighbourhood Action Plan for Moulsecoomb and Bevendean, nine 'Planning for Real' exercises, and the setting up of a Community Stakeholder Group.

## 6. CONSULTATIONS

### Internal

- 6.1. **Air Quality Officer:** No objection subject to the following comments:  
Recommend that developer [i.e. the Council] contributes to an air quality assessment before, during and after construction, including funds for traffic counters, modelling software and air monitors.
- 6.2. Renewable energy provision without emissions to air should be included and should avoid CHP (Combined Heat and Power) with NOx emissions to air. Alternatives to gas combustion should be sought such as heat pumps and solar arrays or grid connected electric. Any boilers shall have the lowest NOx rate per kWh available on the market at the time of implementation. All HGVs used to build the site shall avoid AQMAs, and should as minimum meet the euro-VI D emissions standard. All non-road mobile machinery on site should meet at least stage IIIB and stage IV emission standards after 1st January 2025.
- 6.3. **Arboriculture:** Neither objects nor supports the application: The arboriculture officer expresses disappointment that contrary to BS5837, an A grade London Plane tree was not given due consideration at the design stage and incorporated within retained landscaping. Replacement trees should be provided to mitigate other tree losses but these should be non-Elm species.
- 6.4. **City Clean:** No objection
- 6.5. **City Parks:** No objection
- 6.6. **Environmental Health:** No objection subject to conditions relating to the following:
- Soundproofing of new residential units
  - Plant noise requirements
  - Required glazing
  - Noise barriers in the form of acoustic barriers
  - Noise /area management plans
  - Installation of lighting to minimise impacts on nearby residential properties
- 6.7. **Housing Strategy:** No objection.  
The provision of 212 affordable rent dwellings is welcomed and will contribute towards meeting the City's affordable housing need. 15 wheelchair accessible homes as affordable rent tenure meets identified housing need. The inclusion of a number of larger homes is particularly needed.
- 6.8. **Policy, Projects and Heritage:** No objection.  
An artistic component to the value of £73,445 should be secured for the proposed development within a S106 agreement.
- 6.9. **Planning Policy:** No objection but make the following comments:  
The site is not allocated in the City Plan but falls within the Policy DA3 Lewes Road Development Area, therefore important consideration should be given to



the DA3 strategy and local priorities. The main focus of DA3 is to improve further and higher education provision, however the strategy for the area also seeks to deliver development for housing, employment floorspace and community facilities, and also facilitate improved sustainable transport infrastructure; secure improvements to the townscape and public realm; deliver inter-connected green infrastructure and biodiversity improvements; and improve air quality.

- 6.10. The proposed development would provide additional housing which would contribute towards the adopted City Plan housing target of 13,200 new homes over the period 2010-2030 and help address the substantial 5-year housing supply shortfall (currently estimated at 2.1 years of housing supply). The development is also proposed as 100% affordable housing which would help address the city's substantial outstanding housing needs. When considering the planning balance for this proposal, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 6.11. The proposed development would provide an overall residential density of c60 dwellings per hectare (dph) across the whole application site. However, excluding the community building and areas of open space/outdoor recreation, the density would comfortably exceed 100 dph which Policy CP14 sets as a minimum expectation within the Development Areas (DAs).
- 6.12. The proposed housing mix reflects fairly closely the preferred affordable housing mix for the city in Policy CP20. Although the application would provide a lower proportion of two-bedroom units, this would be offset by the higher proportion of three/four bedroom units which is welcomed given the identified shortage of larger affordable family housing in the city.
- 6.13. The proposed housing units would meet the minimum space, accessibility (including wheelchair housing), and private outdoor amenity space requirements in CPP2 Policy DM1.
- 6.14. The proposals would provide a new Community Hub building accommodating a health care facility and pharmacy, youth centre, library, common area and café, with a small retail unit also proposed in Block D. The new community hub at the heart of the development would support the objectives for sustainable communities set out in Policy DA6. However, the community provision should also be assessed against the specific criteria in saved Policy HO19 and CPP2 Policy DM9, whilst the loss of the existing community buildings will need be justified against saved Policy HO20 and CPP2 Policy DM9. The Planning Statement states that the existing youth services in the 67 Centre would be relocated into the new Community Hub, whereas the social work services within the existing Moulsecomb Hub North and South are to be relocated to a new building in Portslade. It is not stated how the Hillview Centre would be replaced. It would be helpful for the applicant to provide information on this in order to ensure full policy compliance.
- 6.15. The development would involve the loss of existing areas of open space on the site, and the provision of new and replacement open space and outdoor

recreation facilities. This includes a new 7v7 3G pitch on the site of the existing playing field to replace and upgrade two existing MUGAs. Several other areas of open space and outdoor recreational facilities are proposed within the scheme, including a pocket park, sensory garden, children's play area, skate park and terrace garden. In general, the proposals would appear to meet the requirements of Policies CP16 and CP17 in providing an enhanced quality, quantity, variety and accessibility in terms of public open space. However, the case officer should seek the views of the City Parks and Sports facilities teams for comments regarding the detailed design of these facilities.

- 6.16. The design and layout of the development are key considerations, given the prominent location within the DA3 Lewes Road Area, the scale and density of development (which includes taller buildings up to 8 storeys), and the proximity and visibility from the South Downs National Park. The scheme design should be assessed in detail against Policies SA5, CP12, CPP2 Policy DM18 (although this policy currently carries Limited weight as a material planning consideration) and the Council's SPD17 Urban Design Framework (UDF). The landscaping and public realm strategy should also be assessed against Policy DM22, noting that Policy DA3 specifically seeks improvements to the public realm and townscape.
- 6.17. A range of other policy considerations will also require detailed assessment against the DA3 strategy and local priorities, and other relevant City Plan policies (both CPP1 and draft CPP2). These include amenity issues (impacts on neighbouring uses, noise, air quality etc), transport and accessibility, heritage (including archaeology), green infrastructure and biodiversity, flood risk and drainage, energy efficiency and carbon reduction, and public health.
- 6.18. **Sports Facilities Manager:** No objection but makes the following comments:  
Initial Comments  
As part of the development the delivery of a new 3G pitch improves the quality of provision of sports facilities in the city and the opportunity for increased engagement in sport and physical activity for the local grass roots football groups/clubs and the local community. The planned location also provides facilities closer to the existing sports centre providing better connectivity and will enable better management. However, there are 2 issues to highlight:
- 1) During the construction phases there will be a loss of the existing MUGAs as a sports provision and there is a delay between those being closed and the new 3G pitch being delivered.
  - 2) There is also a potential risk of loss of provision as the new 3G pitch is proposed to be built on the old school field which is Education land and requires permission for change of use via a Section 77 application. If the Section 77 application is not successful, the existing sports provision (MUGAs) have been built on and lost and there would need to be mitigation by building the 3G pitches elsewhere on the housing/development site.
- 6.19. The plans proposed appear to meet the quality standards required in line with FA and Sport England design guidelines for a 7v7 3G artificial grass pitch (with run offs). Although, more detailed plans would be able to confirm that the pitch complies to the necessary design requirements. It does, however, show goal recesses for football goals needed for cross pitch play for training and casual

usage as well as full pitch match play. This means that the new 3G will not only enhance the current recreational activities all year round, it will also allow for FA affiliated football to be played in the local community throughout the season (unlike the existing grass pitch which is used infrequently).

- 6.20. From the plans it is unclear that floodlights are being provided however, ensuring that lights are included is critical to enable use in the evenings - specifically in the winter months. The current floodlights on the MUGA have planning permission to be used from until 10.30pm at night (BH2002/02464/FP) and it would provide maximum opportunity for use if a similar timeframe is applied to the new 3G pitch too.
- 6.21. As there is limited information regarding floodlights it is difficult to comment further, however it would be expected that LED lamps would be provided with minimal spillage, on appropriate folding floodlight columns and that the lux levels would comply with governing body guidelines for the specific level of play. Automatic controls and switching linked to the leisure centre would also enable good energy management to make the facility more sustainable.
- 6.22. The addition of high level perimeter fencing and the segregation of the pitch from spectators by low level fencing will all be required to assist with the ongoing operation, maintenance and management. There would also need to be a small storage facility created close to the pitch to house the required maintenance equipment (a small tractor) for weekly maintenance and brushing. From the current plans shown this does not currently seem to be included.
- 6.23. It will also be important that the future Operator ensures there is provision for an appropriate sinking fund (to replace the worn-out surface in approx. 10 years) which is essential for long term sustainability.

#### Further Comments

- 6.24. The proposed floodlights appear to meet the FA required floodlight design guidance.
- 6.25. As referenced previously automatic controls and switching linked to the leisure centre would also enable good energy management to make the facility more sustainable.
- 6.26. Variable switches and dimming will allow the operator to illuminate the specific parts of the pitch that are in use rather than the full pitch. As well as being more energy efficient and cost effective it also helps in managing/rotating pitch use.
- 6.27. Courtesy lighting should also be provided at the entrance gate to ensure safe exit from the pitch at night (when the main floodlights go out) especially for women and girls. The lighting plan doesn't seem to indicate any additional lights to help with safe egress which is strongly recommended.
- 6.28. **Sustainable Drainage:** No objection subject to the provision of further information pursuant to planning conditions.

- 6.29. Whilst the proposed system is acceptable and while we note the incorporation of landscape-led rain gardens into the drainage strategy, in terms of current Local Plan policy and standards within our SPD on Sustainable Drainage, we would encourage a Council scheme to go further and enhance the environment where feasible and within the limits of this planning application and provide an overall landscape led and multifunctional sustainable drainage design in terms of our Urban Design Framework.
- 6.30. Furthermore, the Public Realm and Landscape Strategy notes that Landscape Design Principals include to 'integrate Suds where possible to help soften streetscape.' There is further potential for this to be achieved. The following information will be required and can be addressed via a planning condition.
- Results of a CCTV survey to confirm the appropriateness of reusing existing foul connections
  - Construction details of drainage components including the rain gardens. Given that the rain gardens are an integral component of the overall drainage strategy, details should be sufficient to demonstrate its effectiveness in this regard.
- 6.31. **Sustainable Transport:** No objection subject to the following:
- A requirement for a second car club bay, following travel plan monitoring and survey outcomes that deem one additional bay and vehicle is necessary, after one year of occupation,
  - Travel Plan including but not limited to:
    - monitoring and surveys of non-residential disabled parking and car club bay use (as above).
    - Car club bays and vehicles & membership package detailed below and Free/ discounted bus ticket (to be agreed with LPA and the LHA's travel plan officer)
- 6.32. Conditions are also recommended in relation to the following:
- Retention of parking area
  - Cycle parking scheme
  - Electric Vehicle Charging Points
  - Delivery and Service Management Plan
  - Parking Management Plan
  - Amended Traffic Management Plans
  - Demolition Logistics Plan (DLP) Condition
  - Construction Logistics Plan (CLP) Condition
- 6.33. **Sustainability:** No objection subject to conditions regarding the following:
- Biodiversity Net Gain
  - BREEAM 'Excellent' standard for the Community Hub
  - Carbon emissions
  - Water use
  - Solar PV installation
- 6.34. **Urban Design:** No objection but makes the following comments and recommendations:

- 6.35. The masterplan proposals are underpinned by a robust and informative community engagement process which has generated clear and well considered development ambitions and design strategies. Following a lengthy pre-application process, proposals are well received. The layout of primary routes and buildings is successful in generating a "civic heart" around the Hub building whilst retaining an open, low density, landscape-led urban grain to the Hodshrove Lane area, retaining its verdant character. A denser urban grain is proposed around residential blocks in the south and north-east of the site, which generates community activation and identity, and is generally supported.
- 6.36. The landscape proposals present a number of well-considered character areas and a keen attention to functionality. Proposals seek to unify distinct character areas across the central primary route by means of visual connection and strategic pedestrian crossing points.
- 6.37. The proposed massing is generally supported, appearing modest and unintrusive in views from sensitive landscape receptors.
- 6.38. The proposed appearance and materiality is generally supported. The Hub building in particular appears very high quality presenting a playful, modest and contextually responsive elevational composition of green and white / cream metal cladding. Contrastingly, residential blocks are proposed in a variety of brick tones, which further strengthens the landmark presence of the Hub building.
- 6.39. However, there are some concerns and recommendations are offered primarily regarding:
- Improvement of pedestrian connectivity across primary vehicular routes to elevate pedestrian priority, and help to unify different landscape zones;
  - Enrichment of the public realm around the Hub / Skate Plaza and north over Hodshrove Lane into the Leisure Centre forecourt, with more landscape uses appropriate for a "civic heart" e.g., more areas for seating;
  - The ratio of planted surface area in some landscape character zones and the extent of the SUDS strategy across the site;
  - Sunlight provision to some external spaces;
  - The proposed cumulative roofscape which in some views appears overly flat and homogenous;
  - The form and appearance of Blocks K and L, to reduce their visual impact in views from Lewes Road;
  - Some single-aspect dwellings of particular concern, and the lack of internal daylight / sunlight assessment;
  - The general visual character of residential blocks which may benefit from a more playful (whilst still modest) approach; and,
  - Development of the low-carbon strategy which should seek to respond to recent local and national targets for 2030 carbon neutrality.

External

- 6.40. **Brighton & Hove Archaeological Society:** No objection.

The proposed development is located close to a number of archaeological sites dated from the Roman and Medieval periods. The County Archaeologist should be contacted for his recommendations.

- 6.41. **County Archaeologist:** No objection subject to conditions relating to the following:
- The implementation of a programme of archaeological works in accordance with a written scheme of investigation.
  - Completion of archaeological site investigation and post-investigation assessment.
- 6.42. **County Ecologist:** No objection.  
Whilst the application documentation has not met best practice standards and/or the requirements of the NERC Act and NPPF, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions relating to the following:
- Lighting design strategy for light-sensitive biodiversity
  - Compliance with existing biodiversity method statement
  - Provision of an Ecological Design Strategy
  - Provision of a Landscape and Ecological Management Plan
- 6.43. **County Landscape Architect:** No objection subject to the imposition of conditions to ensure the full implementation of the hard and soft landscape proposals.
- 6.44. **Health and Safety Executive:** No objection.  
Following a review of the information provided in the planning application, HSE is satisfied with the fire safety design to the extent that it affects land use planning.
- 6.45. **National Highways:** No objection subject to a condition regarding a Construction Management Plan being attached to any planning consent.
- 6.46. **South Downs National Park Authority:** No objection but make the following comments:  
Development within the setting of a national park should be sensitively located and designed to avoid or minimise adverse impact.
- 6.47. The site and proposals provide opportunities for much greater improvements to biodiversity, green infrastructure and networks. As an example the site has much greater scope for sustainable urban drainage and water re-use, the landscaping proposals could be improved to provide a better network of green infrastructure and habitat and produce better linkages through the site.
- 6.48. Particular concern is raised with the lack of information or a clear lighting strategy and the potential need for flood lights to serve the 3G pitch and recreation areas, for which there is little detail. The South Downs Landscape Character Assessment also identifies the adjacent character area as being particularly susceptible to further light pollution from the urban fringes outside the National Park.

- 6.49. If minded to approve the application, the SDNPA recommend that full details of any external lighting (both during and after the construction period) are secured by an appropriate planning condition with the intention of limiting light pollution and disturbance to wildlife.
- 6.50. **Southern Water:** No comments received.
- 6.51. **Sport England:** No objection subject to conditions relating to the following:
- Full details of the design and layout of the 3G pitch
  - Certification that the Artificial Grass Pitch has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and confirmation that the facility has been registered on the Football Association’s Register of Football Turf Pitches
  - A Management and Maintenance Scheme for the 3G pitches.
- 6.52. Further comments were received following the receipt of floodlighting details for the 3G pitches:
- The additional lighting detail submitted meets the required FA standards and therefore, Sport England, the County FA and the Football Foundation remain supportive of the proposal.
- 6.53. **Sussex Police:** No objection.  
No major concerns with the proposals at this location. However, a number of crime prevention measures are recommended including access control, secure post boxes and cycle stores etc.

## 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 (March 2016);
  - Brighton & Hove City Plan Part Two (October 2022)
  - 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. POLICIES

The National Planning Policy Framework (NPPF)

### Brighton and Hove City Plan Part One:

DA3 Lewes Road Area  
CP1 Housing Delivery  
CP2 Planning for Sustainable Economic Growth  
CP4 Retail Provision  
CP7 Infrastructure and Developer Contributions  
CP8 Sustainable Buildings  
CP9 Sustainable Transport  
CP10 Biodiversity  
CP11 Flood Risk  
CP12 Urban Design  
CP13 Public Streets and Spaces  
CP14 Housing Density  
CP16 Open Space  
CP17 Sports Provision  
CP18 Healthy City  
CP19 Housing Mix  
CP20 Affordable Housing

### Brighton and Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix  
DM9 Community Facilities  
DM18 High Quality Design and Places  
DM19 Maximising Development Potential  
DM20 Protection of Amenity  
DM22 Landscape Design and Trees  
DM31 Archaeological Interest  
DM33 Safe, Sustainable and Active Travel  
DM35 Travel Plans and Transport Assessments  
DM36 Parking and Servicing  
DM37 Green Infrastructure and Nature Conservation  
DM40 Protection of the Environment and Health – Pollution and Nuisance  
DM43 Sustainable Drainage  
DM44 Energy Efficiency and Renewables

### Supplementary Planning Documents

SPD03: Construction and Demolition Waste  
SPD06: Trees and Development Sites  
SPD11: Nature Conservation and Development  
SPD14: Parking Standards  
SPD17: Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**



- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, appearance, layout, scale and massing; housing mix and tenure; standard of accommodation; community facilities, sports provision and open space; impact on residential amenity; employment; sustainable transport; sustainability; landscape, arboriculture and biodiversity; sustainable drainage; air quality; waste management; and health

### **Principle of Development**

#### Policy DA3 Lewes Road Development Area

- 9.2. The application site falls within the Lewes Road Development Area (Policy DA3 of the City Plan Part One). The main focus of policy DA3 is to improve further and higher education provision which is not directly relevant to this proposal. However, the policy also seeks to deliver development for housing and community facilities, secure improvements to townscape and public realm, and deliver inter-connected green infrastructure and biodiversity improvements, all of which the proposal would directly contribute to. It is therefore considered that the proposal would not conflict with this policy.

#### Community Facilities

- 9.3. Policy DM9 of the City Plan Part 2 generally supports the provision of new community facilities and resists the loss of existing community facilities unless at least one of the following circumstances apply:
- a) *replacement facilities of an appropriate quality and size will be provided as part of new development proposals or in an alternative suitable location that meets the criteria in part 1 of this policy; or*
  - b) *the facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility; or*
  - c) *the building or land is no longer suitable to accommodate the current use or an alternative suitable community use and cannot be reasonably adapted to do so; or*
  - d) *it has been demonstrated that there is no current or future need or demand for the space, either in its current use or any alternative community use and evidence of active, flexible and appropriate marketing of the site for community use has been provided.*
- 9.4. The proposed redevelopment of the site would result in the demolition of 3,482sqm of floorspace comprising community floorspace (the Hillview Centre and the 67 Centre) and community-related employment floorspace (the social services offices at Moulsecoomb Hub North and South). However, it should be noted that the social work services within the Moulsecoomb Hub North and South buildings have now been relocated to the former Portslade 6<sup>th</sup> Form Building on Mile Oak Road in Portslade so such uses have not been lost. There was no necessity for social work services to be located in Moulsecoomb specifically, hence being moved to Portslade. Mile Oak Road is easily accessible by bus and so it is considered that the proposal meets the requirements of parts (b) of Policy DM9 in this regard.
- 9.5. The new Community Hub building would provide 2,783sqm of community floorspace (excluding the proposed café and pharmacy within the hub).

- 9.6. The 67 Centre (523sqm) currently provides a youth centre on the site and this would be replaced by the new youth space within the hub which has a floorspace of 578sqm and is therefore larger than the existing youth facility. The phasing of the development would allow for the 67 Centre to continue to operate until the new Community Hub is constructed.
- 9.7. The Hillview Centre (299sqm) which is also currently located on the site is used for a variety of different community functions, the majority of which will be relocated to the Community Hub once built.
- 9.8. Whilst the proposed redevelopment of the site would result in an increase in the amount of community facilities on site, like-for-like comparisons are not necessarily helpful because the provision of a new library within Moulsecoomb Hub would be likely to result in the loss of the existing Moulsecoomb library just off Lewes Road.
- 9.9. However, it is considered that the proposal would meet the requirements of Part 2.a) of Policy DM9 in that whilst it would result in the demolition of existing community buildings on site, it would provide replacement community facilities of an improved quality and size.

#### Housing

- 9.10. Policy CP1 in the 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.
- 9.11. 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).
- 9.12. 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).
- 9.13. Therefore, the provision of 212 affordable new homes, in addition to a community hub and recreation facilities, is considered to be acceptable in principle and is considered to make a significant contribution to the Council's housing supply.

#### Sport, Recreation and Open Space

- 9.14. Policy CP16 (Open Space) of the City Plan Part 1 seeks to protect and enhance open space and only accepts the loss of open space where specific criteria are

met. Specifically, one of the criteria in Policy CP16 states that planning permission will only be granted where *'the site is not part of a playing field (current or historical) and the loss is necessary to bring about significant and demonstrable long-term enhancements to the city's public space offer as a whole.'* The policy also states that developments will: be required to optimise the provision of safe on-site public open space with good passive surveillance; optimise accessibility to all users; and help to secure investment in poor quality, under-used open spaces, particularly in disadvantaged areas and areas with open space deficiencies to bring about enhancements in quality and public use.

- 9.15. Policy CP17 (Sports Provision) of the CPP1 states, amongst other things, that planning permission resulting in the loss of sports facilities and spaces will not be granted except where the facilities are to be replaced by improved facilities that help meet the sporting needs of the city.
- 9.16. The proposed development would involve a net loss of open space as a result of the redevelopment of existing areas of informal amenity space on the eastern side of the site along with the loss of existing sports facilities in the form of two Multi-Use Games Areas (MUGAs). However, the MUGAs are relatively old, under-used and of poor quality and whilst the proposed development would not provide a like-for-like replacement in the form of new MUGAs, it would deliver a new 7v7 3G pitch (which can also be used as two 5v5 pitches) and skatepark. The demand for both of these new facilities has been identified through consultation with the local community.
- 9.17. The proposed 3G pitch would be located on the existing playing fields to the east of the leisure centre. The existing playing fields had previously been used by the primary school. However, the sporting function has not been required by the school for several years. Despite this, it is acknowledged that the existing playing pitches are available for sports use and as such FA regulation 3G playing pitches are required to replace them.
- 9.18. The existing informal open space on the site would be replaced with the provision of a public plaza, pocket park, children's play area, sensory garden and terrace garden.
- 9.19. In general, it is considered that the proposals would meet the requirements of policies CP16 (Open Space) and CP17 (Sports Provision) of the City Plan Part 1 in that whilst they would result in the loss of two MUGAs and informal amenity space, it would replace these with an enhanced quality and variety of sports facilities and public open space on site. The principle of these replacement facilities is therefore considered to be acceptable.
- 9.20. It should also be noted that no objections have been raised from the Council's City Parks and Sports Facilities Teams, and proposals have the in-principle support of Sport England.
- 9.21. The proposed redevelopment of the site to provide new housing, community and sports facilities, and open space is considered to comply with local planning

policies and is therefore considered acceptable in principle subject to other relevant planning considerations set out below.

**Design, Appearance, Layout, Scale and Massing**

- 9.22. Policy CP12 (Urban Design) of the City Plan Part 1 states, amongst other things, that all new development will be expected to:
1. Raise the standard of architecture and design in the City;
  2. Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
  3. Achieve excellence in sustainable building design and construction;
  4. Conserve or enhance the city's built and archaeological heritage and its settings;
  5. Have regard to impact on the purposes of the National Park, where within the setting of the National Park;
  6. Protect or enhance strategic views into, out of and within the city;
  7. Be inclusive, adaptable and accessible;
  8. Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm; and
  9. Incorporate design features which deter crime or disorder and the fear of crime.
- 9.23. Policy DM18 (High Quality Design and Places) of the City Plan Part 2 reinforces Policy CP12 and seeks to ensure that development considers and responds positively to the local context in respect of layout, scale of buildings, materials and architectural detailing.
- 9.24. The existing buildings on the site proposed to be demolished are of little architectural or historic merit, being generally utilitarian in appearance, and their demolition would have no harmful impacts on the appearance of the area.
- 9.25. The proposed layout of the site is relatively linear, informed by the proposed central access road that links Hodshrove Lane at the north to Hillside at the south. It is significant that the site is considerably higher to the east and lowers towards Lewes Road. This requires the proposed building and streets to follow the natural contours in the site. The layout is also informed by the need to provide active uses on Hodshrove Lane and provide a relationship with the existing leisure centre on the north side of Hodshrove Lane without harmfully impacting on the lane's verdant character. This active frontage is achieved via the location of the skatepark, public plaza and community hub which all address Hodshrove Lane as well as Blocks D, B, and E which front directly on to Hodshrove Lane.
- 9.26. Community uses have been clustered together so there is a clear relationship between the proposed Community Hub and the retained children's centre and boxing club, as well as the Primary School to the south, and the leisure centre to the north.
- 9.27. There is pedestrian permeability through the site both in a north-south direction as well as a number of pathways running east-west.

- 9.28. Areas of formal and informal play are distributed throughout the site, along with other areas of soft landscaping and extensive planting to provide a variety of visual, recreational, ecological and drainage benefits.
- 9.29. A significant amount of vehicular parking has been proposed along the extended access road linking Hodshrove Lane to Hillside to the south. This will result in a relatively heavy presence of cars along the main access road, particularly on the northern end adjacent the Community Hub. Whilst this is not ideal in layout terms, the varying levels across the site have made it difficult to relocate the parking elsewhere and the overall level of parking across the site is significantly below the Council's minimum standards as set out in SPD 14: Parking Standards. Where practicable, opportunities have been taken to locate parking in slightly more discrete locations such as in Blocks H and J, to the south and west of Block K, and between Blocks G and F.
- 9.30. In terms of built form, the proposed development comprises eight residential apartment blocks (Blocks B, D, E, G, H, J, K and L), four pairs of semi-detached houses, a community hub, and a skate park.
- 9.31. The residential blocks, which would have a contemporary appearance, range in height from 3 to 8 storeys with the tallest blocks located on the lowest part of the site in the south west corner. All of the residential blocks would have flat roofs with parapets and would be of a predominantly brick construction with a range of brick colours and types used throughout the development to provide variety and visual interest whilst still remaining generally cohesive.
- 9.32. All blocks would have bronze aluminium framed windows and doors, aluminium coping to the parapets, and would feature balconies with metal balustrades. Full details of materials would be secured by a planning condition. However, it is considered that the general material palette proposed for the residential blocks are appropriate and not out of keeping with the surrounding area.
- 9.33. Block B (residential) is located on the north side and eastern end of Hodshrove Lane. Along with Block E, this is an L-shaped building that frames the entrance into the suite from Hodshrove Road. The building would range from 3 to 5 storeys in height and occupy a corner plot facing onto Hodshrove Road and Hodshrove Lane. Due to the downward slope of the site from east to west, much of the ground floor level of Block B would be set below the level of Hodshrove Road by approximately half a storey. Whilst Block B would be higher than the existing two storey dwellings on the east side of Hodshrove Road, the existing dwellings are located on an elevated bank due to the topography of the area and, as a result, the difference in height between the proposed and existing dwellings would be clearly noticeable but would not be stark or notably incongruous.
- 9.34. Block D (residential and retail) would front on to Hodshrove Lane and would be located to the west of Block E and almost opposite the existing health centre. Block D sits on a split level and ranges from 4 to 5 storeys. Due to the slope of Hodshrove Lane, the highest part of this building is slightly lower than Block E

to the east. In addition to residential uses, this block also incorporates a small retail unit at ground floor level with a shopfront facing south into the main site.

- 9.35. Block E (residential) occupies the corner plot on the south side of Hodshrove Lane and would face on to both Hodshrove Lane and Hodshrove Road. The scale and design of the building reflects that of Block B and the relationship with existing properties in terms of scale is therefore similar. Again, the ground floor level of this block is set below the level of Hodshrove Road.
- 9.36. To the south of Block E are 8 semi-detached dwellings. These dwellings would all have 4 bedrooms. Whilst these dwellings would be two-storey (with rooms in the roof), because the ground floor level of these properties sits below the level of Hodshrove Road, they would have the appearance of chalet bungalows when viewed from Hodshrove Road and would be of a comparable height to the existing houses on the western side of Hodshrove Road. Each house would have a modest rear garden space.
- 9.37. Block G (residential) is located to the west of the proposed semi-detached houses and faces on to the proposed Community Hub building. It is 5 storeys in height but would appear as four storey when viewed from the rear due to the topography of the site. The block would occupy a central location within the site and, as set out above, would be constructed using a darker brick colour to provide depth to the scheme, help break up the mass in long views and provide some contrast with the other residential blocks proposed given its central location within the site.
- 9.38. Block H (residential) is located towards the southern end of the site, to the south-west of Block G, and ranges in height from 5 to 6 storeys but would appear as a 4 to 5 storey development when viewed from the existing properties to the east on Hodshrove Road. Due to the downward slope of the site from east to west, the highest part of Block H would still be slightly lower than Block G.
- 9.39. Block J (residential) is located in the south east corner of the site and ranges from 4 to 5 storeys. Again, like Block H, it would appear more as 3 to 4 storeys from the residential properties on Hodshrove Road to the east.
- 9.40. Block K (residential) is located in the south west corner of the site. It is a 5 to 6 storey building (with plant room below) that along with Block L is cranked slightly to allow views through the site and across the valley from east to west. In addition to brick, this block also features aluminium cladding on part of the 5<sup>th</sup> storey.
- 9.41. Block L is located just to the north of Block K and is the largest block, ranging in height from 6 to 8 storeys. The block mass has a split level flat roof with the higher end to the west (corresponding to where the natural topography is lowest to reduce the impact of the block's height). In addition to brick, this block also features aluminium cladding on part of the 7<sup>th</sup> storey.
- 9.42. It is clear that the overall scale of the proposed residential blocks and the density of the proposal is significantly higher than the surrounding existing residential

development. However, increased scale and density is not necessarily unacceptable and the heights of the proposed buildings work with the topography of the site. Whilst Block L would be notably high (up to 8 storeys), the overall height of the building would still be lower than the heights of Blocks B and E (both of which front on to Hodshrove Road) due to the topography of the site and the fact that Block L sits on a significantly lower ground level. Views of Blocks K and L from Lewes Road are partially restricted by the school buildings to the west of the site and trees along the western boundary of the school.

- 9.43. It should also be noted that there is some precedent for taller buildings in the immediate area in the form of the 1 Moulsecomb Way redevelopment which is 5 to 7 storeys in height. However, it is acknowledged that this building is closer to the Lewes Road corridor and sits on a lower land level than the application site.
- 9.44. The application site is located within the DA3 Lewes Road Development Area as identified in the City Plan Part 1 (CPP1). CP14: Housing Density of the CPP1 states that development within identified Development Areas (including DA3) will be expected to achieve a minimum of 100 dwellings per hectare (dph) so the increased density on the site (at approximately 102 dph excluding the playing pitches to the north of Hodshrove Lane) is compliant with this policy. The site is also identified as an 'Indicative area with potential for tall buildings' in the Council's Urban Design Framework SPD which states that buildings of up to 8 storeys may be appropriate in this specific area. Therefore the scale and density of the proposed development is partly justified by the Council's planning policy framework.
- 9.45. In light of the above considerations, the height of Blocks K and L are considered to be acceptable on balance, although it is acknowledged that Block L particularly marks a distinct difference in scale to the majority of the existing residential development in the area.
- 9.46. Blocks B and E, whilst clearly making a 'step-change' in scale along Hodshrove Road, are not significantly higher than the existing dwellings in the street. This is partly due to the fact that the ground floor level of Blocks B and E would sit below the level of Hodshrove Road, thereby reducing their impact on the streetscene, and the fact that the existing dwellings on the east side of Hodshrove Road opposite Blocks B and E sit on an elevated area above Hodshrove Road due to the topography of the area. There is a clear distinction between the contemporary flat roof form of the proposed blocks when compared to the more traditional existing housing forms along Hodshrove Road but Blocks B and E act as gateway buildings into the new residential area and Community Hub and benefit from this distinction. To ensure that the proposed development does not dominate Hodshrove Road, aside from the aforementioned gateway blocks, the rest of the proposed dwellings directly fronting on to Hodshrove Road comprise two-storey (with rooms in the roof) semi-detached family houses.
- 9.47. The proposed Community Hub building is on a split level and ranges from 3 to 4 storeys in height. The form and massing of the building is expressed as two

linked blocks. The parapet line incorporates two Clocktowers, one per block to highlight key corners and signify the building as an important community/civic building from all approaches. The facades are designed to further express the two blocks using two shades of green, a colour chosen for its connection to local identity and heritage, including the roof of the adjacent boxing club which is being retained on site. The hub also incorporates a brick base. The clocktowers and parapet line are highlighted in a lighter neutral tone. The contrast of this building with the surrounding residential blocks helps to draw a clear distinction and identifies the Community Hub to visitors/users.

- 9.48. The Local Planning Authority have worked with the applicants to try and ensure that the proposed development adequately addresses Hodshrove Lane and creates an active frontage. This has partly been achieved through the location of the public plaza and skatepark and the location of the Community Hub which, although set back from Hodshrove Lane, faces towards and addresses this street.
- 9.49. The skatepark is fairly functional in appearance but includes areas of landscaping to screen and soften its visual impact.
- 9.50. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the planning application, partly due to the scale of the proposed development and its proximity to the South Downs National Park. The LVIA concludes that the long-term effects of the development on the character of the site and immediate surroundings would be moderate and beneficial, and the long-term effect on the character of the South Downs National Park would be negligible adverse due to the increased visibility. The visual effects on the local townscape would be low adverse and on key viewpoints within the National Park, low adverse. The County Landscape Architect has reviewed the LVIA and does not dispute its conclusions. It is also acknowledged that the proposed on-site tree planting and existing trees that are to be retained will help to mitigate the potential impacts and integrate the development into the local townscape.
- 9.51. Therefore, whilst resulting in a significant increase in the scale and density of development in the area, it is considered that the proposed development would be of a high quality design and layout and would meet the requirements of Policy CP12 of the City Plan Part One and Policy DM18 of the City Plan Part Two as well as the principles set out in the Council's Urban Design Framework SPD.

#### **Housing Mix and Tenure**

- 9.52. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 states that the Council will seek the delivery of a wide choice of high quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. This is supported by policy CP19 (Housing Mix) of the CPP1 which aims to improve housing choice and ensure an appropriate mix of housing is achieved across the City.
- 9.53. Policy CP20 (Affordable Housing) of the CPP1 states that on sites of 15 or more (net) dwellings, 40% affordable housing will be required.



- 9.54. The proposed development forms part of the Council's New Homes for Neighbourhoods programme. The application proposes 100% affordable rented housing which, given the significant need for affordable housing in the City, is strongly supported. Forty percent affordable housing would be secured via a S106 agreement in line with Policy CP20. The remaining affordable housing would be provided in addition to the 40% required by Policy CP20.
- 9.55. Having regard to housing mix, the proposal would provide a mix of 77 one-bedroom apartments (36%), 79 two-bedroom apartments (37%), 48 three-bedroom apartments (23%) and 8 four bedroom houses (4%). This mix reflects fairly closely the preferred affordable housing mix for the city in Policy CP20 of the CPP1 which is for 30% one bedroom units; 45% two bedroom units and 25% 3+ bedroom units. The application would provide a lower proportion of two-bedroom units, but this would be counter balanced by the higher proportion of three/four bedroom units which is welcomed given the identified shortage of larger affordable family housing in the City.

#### **Standard of Accommodation**

- 9.56. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 requires that all new residential units should meet the Nationally Described Space Standards (NDSS). The proposed residential units would comply with this policy and meet or exceed the minimum floor areas required by the NDSS.
- 9.57. The majority of the residential blocks have been designed to be dual aspect which is supported. Blocks K and L however, due to their design, feature a significant number of single aspect units. This is generally unavoidable on a flatted scheme of this size and it is considered that, on the whole, the single aspect units still provide an acceptable standard of accommodation.
- 9.58. Two Daylight and Sunlight Reports has been submitted, reviewing the proposed development under the old BRE guidance from 2011 and the new BRE guidance from 2022. The new BRE guidance was issued in June 2022, after this planning application had been submitted.
- 9.59. On the whole, the scheme performs reasonably in respect of daylight and sunlight for a flatted scheme of this size, although it should be noted that the new BRE guidance sets more challenging targets, particularly with regard to daylight assessments. It is inevitable that some units will under-perform against the BRE guidance. Under the 2011 guidance, 96% of all rooms achieve or surpass their Average Daylight Factor targets. Under the 2022 guidance, 58% of rooms that achieve or surpass their minimum illuminance recommendations for daylight provision which is lower than the comparable assessment under the 2011 guidance but considered acceptable overall. It should be noted that in some cases the provision of a balconies is reducing the daylight available to a flat and where this conflict occurs a judgement has been taken regarding the extent of the impact and the benefits of providing private outdoor space in the form of a balcony.

- 9.60. Where there were units that significantly underperformed in relation to the daylight assessment, amendments have been made to improve these results. This is the case with Block L where a number of units were performing poorly in respect of daylight, partly caused by the provision of balconies and partly caused by the proximity of Block K to the south. As a result, the north west corner of Block K has been chamfered to enable more light to reach units in Block L.
- 9.61. There is some additional concern that proposed measures to reduce direct exposure to prevailing wind on site which would be exacerbated due to the height of Blocks K and L would further impact on the daylight available to these properties. Such measures would require the planting of relatively dense landscaping between Block K and L. However, the applicant has been unwilling to make significant revisions to Block K to improve the daylight to Block L as this would result in the loss of a number of residential units. Whilst it is regrettable that further revisions have not been to Block K, it is not considered that it would be reasonable to refuse planning permission on this basis.
- 9.62. CPP2 Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Schemes should aim to provide private amenity space through balconies and/or garden space, as a sense of ownership of external space is important to any home but especially important to high density residential schemes such as proposed here.
- 9.63. The vast majority of units incorporate private external amenity space either in the form of balconies or ground floor patio areas. The majority of the balconies are external rather than internal which whilst not ideal as they are more open to the elements, is not considered to be unacceptable, and allows for increased indoor space.

#### **Community Facilities and Open Space**

- 9.64. Policy DM9 of the CPP2 supports the provision of new community facilities and states that planning permission will be granted for new community facilities where the proposed use is compatible with adjoining and nearby uses, the site is close to the community it serves and is readily accessible by sustainable forms of transport, and where feasible and appropriate, community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel (for example Community Hubs)
- 9.65. The proposed Community Hub is an important building within the proposal and includes a replacement youth centre (598sqm) and café (136sqm) on the ground floor, a health facility (1,275sqm) at first, second and third floor level, and a library (524sqm) at first floor level. The main access to the hub is from the east at first floor level but the youth centre within the hub is accessed from the north at ground floor level, adjacent to the proposed skate park. The café is accessed from the south at ground floor level, fronting on to the Meadow bank / hub plaza which incorporates play features for children.

- 9.66. The applicants have worked closely with the occupiers of the Hub to provide space that meets their needs whilst ensuring efficiencies within the building. The provision of the Community Hub directly meets the requirements of Policy DM9 of the CPP2 by co-locating a number of community facilities together in an accessible location not far from the main transport corridor of Lewes Road and close to other community facilities such as the existing leisure centre, children's centre and boxing club.
- 9.67. Policies CP16 (Open Space) and CP17 (Sports Provision) of the CPP1 require new development to contribute to the provision of and improve the quality, quantity, variety and accessibility of public open space and sports services, facilities and spaces.
- 9.68. As set out earlier in this report, the existing boxing club will remain on site.
- 9.69. A new skatepark and public plaza will be provided, positioned between Hodshrove Lane and the new Community Hub. The provision of the skatepark has been informed by early community consultation and Planning for Real exercises regarding the site where a clear need for teenager-friendly areas was identified. To the east of the skatepark is a public plaza area with informal landscaped seating areas. Whilst it is acknowledged that the public plaza would be dominated by the skatepark, there is a need for the skatepark to be large enough to function as a genuine destination for users of the park. The skatepark would also act as a spill out area for the youth centre.
- 9.70. The proposed 3G pitch would comprise a 7v7 3G pitch (that can also be used as two 5v5 pitches) located to the north of the site on the existing playing field and linked to the existing leisure centre to the west. These pitches would partly replace (albeit not like for like) the existing MUGAs on the eastern side of the site. The type and size of the 3G pitches have been informed by pre-application discussions with Sport England. The detailed design of the 3G pitch will be secured via planning condition but there is a requirement for them to meet FA requirements which is likely to result in 4.5m high perimeter fencing. Acoustic fencing will also be required to minimise noise impacts on nearby properties. The form of such fencing will also be secured via a planning condition.
- 9.71. Floodlighting will be provided and indicative images of such floodlighting as well as details of luminance have been submitted with the planning application. Further details will be secured by planning condition.
- 9.72. Improvements will also be made to the area surrounding the pitch to create a more biodiverse parkland.
- 9.73. It should be noted that the location of the skatepark and 3G pitches has been informed by the benefit of being close to the existing leisure centre. A management plan for both of these facilities will be secured by condition.
- 9.74. A new children's play area would be provided immediately to the east of the retained children's centre and the south of the café area. The precise details of the play facilities will be provided pursuant to a relevant planning condition and

agreed with the Council's City Parks section but the intention is that while accessible for all, the facilities will be aimed predominantly at infants given the connection to the children's centre.

- 9.75. In addition to the more formal community and play facilities set out above, there will be a number of informal play spaces incorporated in the proposed redevelopment. These include the Hillside Pocket Park (adjacent Block K) and a sensory garden located between Blocks K and L, a terrace garden south of Block D providing planting/growing opportunities, and east of the boxing club an outdoor gym and exercise space would be provided to complement the boxing club. The terrace also incorporates an accessible path to allow disabled users to travel across the sloping site without having to go on to Hodshrove Lane.
- 9.76. It is considered that the proposed development would comply with policies CP16 and CP17 of the CPP1 in that they would provide an enhanced quality, variety and accessibility of open spaces and sports facilities on the site.

#### **Impact on Amenity**

- 9.77. Policy DM20 of the CPP2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.78. Having regard to the impact of the proposed development on existing residents, proposals have been designed to minimise impacts on neighbouring properties.
- 9.79. A number of existing residential properties in the immediate vicinity have the potential to be impacted by the proposed development. These include the dwellings on the western side of Hodshrove Road that back on to the application site, specifically Nos 3 to 39. However, these properties benefit from long gardens and stand-off distances between the existing dwellings and the nearest proposed blocks (H and J) range from 32m to 40m. In addition, due to the topography of the land, Blocks H and J would sit on a notably lower ground level than the properties on Hodshrove Road which would help to reduce their overall scale when viewed from these existing properties. It is therefore not considered that the proposed development would have an unacceptable impact on the outlook available to the properties on Hodshrove Road.
- 9.80. A sunlight/daylight assessment has been submitted with the planning application which demonstrates that the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties. These conclusions are not disputed.
- 9.81. Having regard to the privacy of Nos 3 to 39, the stand-off distances between the proposed buildings and the existing dwellings mean that there would be no direct inter-looking between dwellings and although the windows in the east elevation of Blocks H and J would overlook the rear gardens of the properties on Hodshrove Road, the impact on privacy is not considered to be unacceptable. Balcony locations for the flats within Blocks H and J have also been carefully considered to ensure that they do not overlook existing residential properties.

- 9.82. Other properties with the potential to be impacted by the development are those on the eastern side of Hodshrove Road, specifically Nos. 50 to 88 Hodshrove Road which are located opposite Block B, Block E and the proposed semi-detached dwelling houses. However, due to the height of the proposed semi-detached dwellings and the fact that they sit on a lower level than Hodshrove Road, it is not considered that they would have any harmful impacts on the outlook and light available to Nos 50 to 62 Hodshrove Road located directly opposite. Additionally, being on the other side of Hodshrove Lane, it is not considered that the proposed semi-detached dwellings would have any significant impacts on the privacy of the existing properties on Hodshrove Road.
- 9.83. Whilst Blocks B and E, due to their height, would clearly change the outlook of the properties on the eastern side of Hodshrove Road, particularly Nos 64 to 88, it is not considered that the impact on outlook would be unacceptable. It is acknowledged that Blocks B and E range from 3 to 5 storeys whilst existing properties on Hodshrove Road are generally two-storeys. However, Blocks B and E sit on a lower ground level than Hodshrove Road whereas the existing properties on the east side of Hodshrove Road that are directly opposite Blocks B and E are elevated due to the topography of the area. This helps to reduce the height differential and makes Blocks B and E less overbearing.
- 9.84. The Daylight and Sunlight Report submitted with the application does not identify any unacceptable loss of sunlight or daylight to the properties opposite Blocks B and E in respect of primary windows serving habitable rooms but does note some loss of light to a number of secondary windows and windows serving non-habitable rooms. However, the overall impact is considered acceptable.
- 9.85. 85 Hodshrove Road is located to the north of Block B and has the potential to be impacted by the proposed development. However, the Block has been designed to minimise the impact on this property by reducing the height of the northern section to 3 storeys which helps to reduce the impact on light and outlook from No.85. It should also be noted that the main outlook from No.85 is in a westerly direction rather than south towards Block B. Having regard to the privacy of No.85, all windows on the closest part of Block B serve WCs, thereby ensuring there would be no harmful impacts on privacy from these windows. Whilst there are balconies serving flats 9, 16 and 23, these face in a westerly direction and not towards No.85. A condition will be added to any planning consent securing privacy screens on the northern sides of these balconies. All other balconies on Block B are considered to be a sufficient distance from No.85 to ensure there would be no unacceptable impacts on the privacy of this property. The Daylight and Sunlight report submitted with the application shows a loss of light to secondary windows and non-habitable windows at 85 Hodshrove Road but no significant impacts on primary windows serving habitable rooms.
- 9.86. Nos 134 and 136 Hillside would be located to the south of Block J and Block K respectively. Given the orientation of these existing properties in relation to the proposed blocks, there would be no loss of sunlight to these properties as a result of the proposal. Both Blocks J and K are located far enough from Nos 134

and 136 to ensure no harmful impacts on outlook and the main outlook from these existing properties is east and west rather than north towards the proposed development. Although there are primary windows on the south elevation of Block J serving bedrooms, the main outlook from the units within Block J is east-west. Block K also has a number of windows on the south elevation but these are all secondary windows (with the exception of the ground floor) and again, the main outlook from these units is east-west. There are no balconies on the southern elevations of either of these properties (except at ground floor level on Block K). It is therefore considered that the impact on the privacy available to Nos 134 and 136 Hillside would not be unacceptable and would not warrant a refusal of planning permission.

- 9.87. The proposed 7v7 3G pitch / 5v5 3G pitches would be located to the rear of properties 85 to 103 Hodshrove Road. The distance from the rear boundaries of these properties to the 3G pitch range from 19m to 39m. However, these properties benefit from relatively generous gardens so the distance between the nearest existing dwelling and the 3G pitch is approximately 37m.
- 9.88. It is acknowledged that this is a relatively close relationship given that 3G pitches can raise noise and lighting issues. Alternative locations were considered for the 3G pitch but the sloping topography of the site makes it difficult to move the pitch further to the west away from the residential properties. Additionally, there is a vegetative buffer between the existing residential properties and the 3G pitches.
- 9.89. It should also be noted that the existing area of open space that the proposed 3G pitches would be located on has been used for formal football matches in the past and so the 3G pitches would not be introducing an entirely new use, although it is recognised that the 3G pitch is likely to be used more regularly and for a longer duration of time given its increased durability and the provision of flood lighting. Therefore the hours of use of the 3G pitch would need to be restricted to between 9am to 9pm with the floodlights turned off by 9.30pm.
- 9.90. A noise assessment was submitted with the planning application and to mitigate the noise caused by the 3G pitches, the assessment recommends noise attenuation barriers, as well as recommending for both the skatepark and the 3G pitches that noise/area management plans are produced. Details of noise attenuation and management will be secured by relevant planning conditions as also recommended by the Council's Environmental Health officers.
- 9.91. The proposed skatepark would be located a significant distance from any existing residential properties with the nearest existing dwelling approximately 55m from the skatepark. The skatepark has also been located away from the proposed residential properties to ensure there are no significant noise issues. Block D is the closest residential block but this is still approximately 38m from the proposed skatepark. The use of the skatepark will be partly controlled via the use of lighting, and the production of a noise/area management plan. However, it is far more difficult to restrict hours of use given the nature of a skatepark and the fact that it cannot be secured after hours.

- 9.92. Opportunities to further minimise potential noise impacts on future occupiers of the proposed flats are presented through the use of enhanced thermal double glazing. Details of glazing will also be secured by planning condition.
- 9.93. Having regard to the amenities of future occupiers of the proposed development with respect to outlook and privacy, the location and orientation of the various blocks within the site have been carefully considered to ensure adequate separation distances between dwellings and minimise inter-looking. No specific concerns are held in this regard.

### **Sustainable Transport**

- 9.94. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 2c) of the CPP1 is also relevant in that it requires all new major developments to submit a Transport Assessment to identify the likely effects of the demand for travel they create and include measures to mitigate their impacts by reducing car use, implementing agreed travel plans and making appropriate contributions towards sustainable transport measures .
- 9.95. The main vehicular access to the site is via Hodshrove Lane to the north and Hillview to the south. Pedestrian access to the site is proposed via Hodshrove Lane, Hodshrove Road and Hillview.
- 9.96. Alterations to Hodshrove Lane are also proposed to make it narrower and more pedestrian friendly. This includes making the whole of Hodshrove Lane one way (east to west) as well as the addition of further planting, new pedestrian crossings, and three additional parking spaces on the south side of Hodshrove Lane, immediately north of Block D.
- 9.97. 115 parking spaces are proposed throughout the development which is below the maximum standards set out in SPD14: Parking Standards. 77 of these spaces are proposed to serve the residential units and 38 would serve the non-residential uses on the site. Of the 115 parking spaces, 19 accessible spaces are proposed. Six motorcycle spaces would also be provided along with 353 cycle spaces (323 spaces for the residential units and 30 spaces for the non-residential uses). The amount of car and cycle parking provision is considered to be acceptable by the Local Highway Authority.
- 9.98. Concerns were originally raised by the Local Highway Authority (LHA) regarding the potential for overspill parking given that 77 parking spaces are proposed to serve 212 residential units. However the LHA consider that measures to reduce the number of car journeys to the site by encouraging a modal shift from cars to more sustainable forms of transport such as free bus passes, as well as the provision of car club spaces (the applicant proposes to fund two car club

spaces), would help to reduce overspill parking. Such measures would be secured within a Travel Plan as part of the S106 agreement.

- 9.99. No loading bays are proposed for servicing and deliveries. The applicant considers that this is unnecessary as the new access road running through the site is wide enough for cars to pass delivery vehicles. However the Local Highway Authority are not yet satisfied that larger cars will be able to pass delivery vans and this matter will be considered further through a street design condition attached to any planning permission. A Delivery and Servicing Management Plan for the Community Hub would also be secured by planning condition.

### **Sustainability**

- 9.100. Policy CP8 of the City Plan Part 1 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint and mitigate against and adapt to climate change.
- 9.101. The application proposes a 46% improvement in carbon emissions over Building Regulations Part L 2013 for the residential units which significantly exceeds the 19% target of Policy CP8 of the CPP1 as well as the new Building Regulations target of 31%.
- 9.102. It is proposed that the non-residential component of the proposed development, which predominantly comprises the Community Hub building, will meet the BREEAM 'Excellent' standard in line with Policy CP8.
- 9.103. A site-wide communal heating system is proposed for the residential units powered by Ground Source Heat Pumps. The Community Hub would be heated via Air Source Heat Pumps and there would be no new gas connections throughout the scheme. Photovoltaic panels are also proposed throughout the development.
- 9.104. Through the introduction of low or restricted water use appliances and fittings, all residential units would achieve a water efficiency of no more than 105 litres/person/day.
- 9.105. EV Charging Spaces would be provided throughout the site in line with Part S of the Building Regulations.
- 9.106. As set out above, a number of significant sustainability measures would be incorporated into the proposed development and the proposal would therefore comply with Policy CP8 of CPP1.

### **Landscape, Arboriculture and Biodiversity**

- 9.107. Policy DM37: Green Infrastructure and Nature Conservation of the CPP2 states that *'development proposals will be required to demonstrate that they safeguard or and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces; the interrelationship between these spaces and; ensure that the natural capital of*



*the area is retained, enhanced and complements UNESCO Biosphere objectives.'*

- 9.108. The policy goes on to state that *'where practicable, green infrastructure should be integral to the design and layout of the scheme ensuring it is planned and managed to realise current and potential value to communities and to support the widest delivery of linked environmental, social and economic benefits.'*
- 9.109. The policy also states that all development should seek to conserve and enhance biodiversity and to ensure that a net gain in biodiversity is achieved.
- 9.110. The application site has no nature conservation designations but the South Downs National Park lies approximately 187m north-west at the closest point, as does Wild Park Local Nature Reserve (LNR), and Hodshrove Wood Local Wildlife Site (LWS) lies approximately 61m to the south-east. Given the nature, scale and location of the proposed development, it is not considered that there would be any significant impacts on the nature conservation interests of the National Park or any sites designated for their nature conservation value.
- 9.111. The site currently supports continuous scrub, scattered trees, poor semi-improved grassland, amenity grassland, introduced shrub, species-poor hedgerow, hedgerows with trees (species-poor and species-rich), fences, wall, buildings and hard standing. The habitats of greatest significance are the scrub, trees and hedgerows.
- 9.112. The proposed development would result in the loss of 22 individual trees, two tree groups, one hedge and one section of hedge. Whilst a significant number of these trees would be Category C (low quality) trees, a notable number of Category B (moderate quality) trees would be removed including a large group of trees running north to south along the existing car park area south of Hodshrove Road. In addition, it is proposed to remove a Category A (high quality) tree – a London Plane in the south-west corner of the site. This is because extensive ground works are required in this location to create a level site and allow wheelchair access to the lower ground floor of Block L which would result in significant pressure on the roots of the tree.
- 9.113. Whilst it is acknowledged that the retention of these Category A and B trees would significantly reduce the development capacity of the site and would result in practical difficulties during construction, it is regrettable that so many trees would be lost. The importance of the Category A London Plane tree is also heightened given that four of the six Category A trees on the site recently had to be felled after succumbing to Dutch Elm disease.
- 9.114. However, it should also be noted that a significant number of trees around the perimeter of the site would be retained and the proposed landscaping scheme incorporates 157 new trees as mitigation. This extensive tree planting strategy would represent an overall increase in canopy cover across the development area post construction completion.

- 9.115. Having regard to other species on the site, overall bat activity on the site is low with only common pipistrelles recorded commuting along tree lines boundary features. The recommendation in the Bat Report submitted with the planning application is to maintain a dark corridor along site hedgerows. As a result, a condition will be added to any planning consent to secure an appropriate Lighting Design Strategy.
- 9.116. The site offers some potential for hedgehogs and any ecological design strategy should ensure that gaps are provided in boundaries/fences to allow movement through the site. The site also offers potential for breeding birds and reptiles and a precautionary approach should be taken towards site clearance.
- 9.117. It is considered that the site offers opportunities for biodiversity enhancement. A number of recommendations for ecological enhancements have been included in the Preliminary Ecological Appraisal submitted with the planning application. These include the following:
- Installation of artificial or bat tubes into any new buildings and the installation of bat boxes on to suitable retained trees;
  - Installation of artificial bird nest boxes on to any retained trees and new buildings;
  - Planting of native species rich hedgerow along all the Site Boundaries;
  - Planting areas of meadow grassland within the Site;
  - Consideration should be given to the creation of a pond.
- 9.118. The County Ecologist considers that the above enhancements would be likely to result in a Biodiversity Net Gain. However, given that it is unclear whether all the recommendations for ecological enhancements have been fully incorporated into the landscape strategy for the site, a condition securing an Ecological Design Strategy will be added to any planning permission. This will set out how retained habitats will be protected and how measurable Biodiversity Net Gain will be achieved. In addition conditions will also be attached securing a lighting design strategy for light sensitive biodiversity and a Landscape and Ecological Management Plan.

**Other Considerations:**

Sustainable Drainage

- 9.119. The site is located within Flood Zone 1 and therefore has a low probability of flooding from fluvial and tidal sources. However, there are areas within the site that have a high risk of surface water flooding.
- 9.120. The overall drainage strategy for the site is the capture of surface water run-off and discharge to the ground through the use of permeable paving, rain gardens and crate soakaways. Contamination risks have also been considered and it is proposed that run-off from car parks and access roads will be treated via the permeable paving.
- 9.121. Foul drainage will be via the reuse of existing connections on the site. CCTV surveys of the sewers will be required pursuant to a planning condition.

### Air Quality

- 9.122. The number of estimated vehicle trips as a result of the proposed development is considered to be below the number that would trigger the need for a detailed Air Quality Assessment (AQA). In order to reduce potential impacts on air quality and the Air Quality Management Area a number of measures are proposed as follows:
- EV Charging (required under Building Regulations Part S)
  - Provision of car club spaces with low emission vehicles
  - Sustainable heating in the form of Ground Source Heat Pumps for the residential buildings and Air Source Heat Pumps for the Community Hub rather than use of gas boilers

### Wind

- 9.123. An Environmental Wind Desktop Study Report was submitted with the planning application. This concludes that due to the layout of the site and increased scale of buildings some areas of the development – particularly between Blocks K and L and north east of Block L – will be affected by direct exposure to prevailing winds coming off the English channel. Suggested forms of mitigation include dense landscaping between Blocks K and L along main pedestrian routes and in the courtyard to help dissipate the energy of strong winds, and ensuring entrances are sheltered by the building's massing or by local screens and landscaping including canopy and side screens for the west and south entrances of Block L to provide local sheltering, and screens and handrails for the west stair of Block K to provide local protection.

### Waste Management

- 9.124. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. However, it is noted that this is secured through the Environmental Permitting Regulations so a Site Waste Management Plan is not considered necessary.
- 9.125. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details will be secured by condition.

### Health

- 9.126. A Health Impact Assessment has been submitted with this planning application which makes the following conclusions:  
*'While the proposed development would increase the resident local population, associated health care demand is addressed primarily through healthy urban design to remove, reduce and delay the need for clinical intervention and care; and the onsite provision of medical facilities including GP surgery offers a net health care capacity and strategic provision benefit.'*

*The healthy urban design features and principles proposed to be integrated across the site provide the opportunity for residents and visitors to enhance their health and wellbeing, facilitating healthy independent living for longer.*

*In conclusion, the design of the proposed development encourages healthy behaviours, and provides opportunities to improve local health and wellbeing circumstance, while simultaneously reducing health inequalities. On this basis, the proposed development would support the delivery of a new healthy, vibrant and cohesive community.'*

- 9.127. The Health Impact Assessment is considered to be robust and the above conclusions are not disputed.

## **10. CONCLUSION**

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 10.2. The principle of the proposed redevelopment of the site is considered to be acceptable. The site falls within the Lewes Road Development Area (Policy DA3) which seeks to deliver, amongst other things, housing and community facilities. The loss of existing community space, employment space, open space and sports facilities is considered acceptable as the proposed development would result in the replacement of these uses with new facilities and spaces of an appropriate quality and size.
- 10.3. The principle of housing is supported by Policy DA3 but also, as noted previously, the Council is currently unable to demonstrate a 5-year housing supply which makes the need for housing more pressing. Furthermore, the proposal would deliver 100% affordable rented housing.
- 10.4. Whilst the proposed development is of a notably increased scale and density when compared to the surrounding area, it is not considered to be incongruous and policy CPP1 expects development within identified Development Areas to achieve a minimum of 100 dwellings per hectare. The site is also identified as an 'Indicative area for tall buildings'. However, it is not considered that the proposal would have an unacceptable impact on the outlook, light and privacy available to neighbouring residential properties.
- 10.5. The layout of the site and the location of the Community Hub, skatepark and plaza would help to activate Hodshrove Lane, and landscaping and informal play areas throughout the site are well considered.
- 10.6. The proposed development would generally provide a good standard of accommodation with an appropriate mix of units ranging from 1 bed to 4 bed. The majority of the residential units would also have private amenity space in the form of a balcony or ground floor patio area.

- 10.7. The proposed development would provide sustainable transport improvements including an acceptable provision of cycle parking and a Travel Plan which will offer a number of measures to reduce reliance on the private car.
- 10.8. Whilst it is acknowledged that the proposed 3G pitch and, to a lesser extent the proposed skatepark, would have some impact on existing residents and future occupiers of the proposed development, the noise and disturbance can be mitigated through hours of operation, noise attenuation barriers and the production of noise/area management plans.
- 10.9. Other factors including impacts relating to sustainability, ecology, landscaping, arboriculture, drainage, land contamination, and air quality have been assessed and are considered to be acceptable.
- 10.10. It is therefore considered that the proposed development complies with national and local planning policies and planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and subject to the conditions within the report.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as practicable after the issuing of planning permission. However, given the existing floorspace on site which will be demolished and the fact that much of the proposed development comprises affordable housing (which is exempt from CIL), it is anticipated that the CIL liability will be relatively low for this proposed development.

## **12. EQUALITIES**

- 12.1. The public realm, building access points and building layout (lift/stair core positions) have all been carefully considered to respond to the natural steep slope of the site.
- 12.2. Wheelchair accessibility has been achieved throughout all public realm spaces. Ramps are integrated into the landscape design to connect the series of spaces and create clearly designed routes between buildings and public areas.
- 12.3. Over the scheme, 15 (just over 7%) of the proposed dwellings are designed to Building Regulation M4(3): Wheelchair user dwellings which is significantly higher than the requirements of Policy DM1 of the CPP1 which requires 10% of the 40% of affordable units obligated under the S106 agreement to meet Building Regulation M4(3). The remaining dwellings are all designed to Building Regulations M4(2): Accessible and adaptable.

- 12.4. Wheelchair user dwellings are located at the building entrance level to avoid dependency on lifts.
- 12.5. The majority of the buildings (except the family houses and Block D) contain two lifts. The majority of buildings (except Block K) have access points at two levels.
- 12.6. Of the 115 parking spaces provided on the site, 19 of the spaces are wheelchair accessible and are distributed evenly throughout the proposed development.

### **13. CLIMATE CHANGE / BIODIVERSITY**

- 13.1. The application proposes a 46% improvement in carbon emissions over Building Regulations Part L 2013 for the residential units which significantly exceeds the 19% target of Policy CP8 as well as the new Building Regulations target of 31%.
- 13.2. It is proposed that the non-residential component of the proposed development, which predominantly comprises the Community Hub building, will meet the BREEAM 'Excellent' standard in line with Policy CP8.
- 13.3. A site-wide communal heating system is proposed for the residential units powered by Ground Source Heat Pumps. The Community Hub would be heated via Air Source Heat Pumps and there would be no new gas connections throughout the scheme. Photovoltaic panels are also proposed throughout the development.
- 13.4. Through the introduction of low or restricted water use appliances and fittings, all residential units would achieve a water efficiency of 105 litres/person/day.
- 13.5. EV Charging Spaces would be provided throughout the site in line with Part S of the Building Regulations.
- 13.6. Despite a significant loss of trees and existing green space on the site, the proposed development offers opportunities for biodiversity enhancements in the longer-term and an Ecological Design Strategy will be secured by condition.

### **14. S106 AGREEMENT**

- 14.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
  - 1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
  - 2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policy CP9 of the Brighton & Hove City Plan Part One.
5. The proposed development fails to provide an artistic component, the absence of which would have a detrimental impact on the local distinctiveness of the public realm and sense of place, contrary to Policy CP13 of the City Plan Part One.
6. The proposed development fails to secure the provision and long-term maintenance and management of the Community Hub potentially resulting in an unacceptable loss of community facilities on site, contrary to Policy DM9 of the City Plan Part Two.
7. The proposed development fails to secure the provision and long-term maintenance and management of the proposed 3G pitch, skatepark, play areas, open spaces and landscaping, which would potentially result in a loss of sports provision and open space on the site as well as have a detrimental impact on the appearance of the proposed development, contrary to policies CP16, CP17 of the City Plan Part One and DM22 of the City Plan Part One and DM22 of the City Plan Part Two.





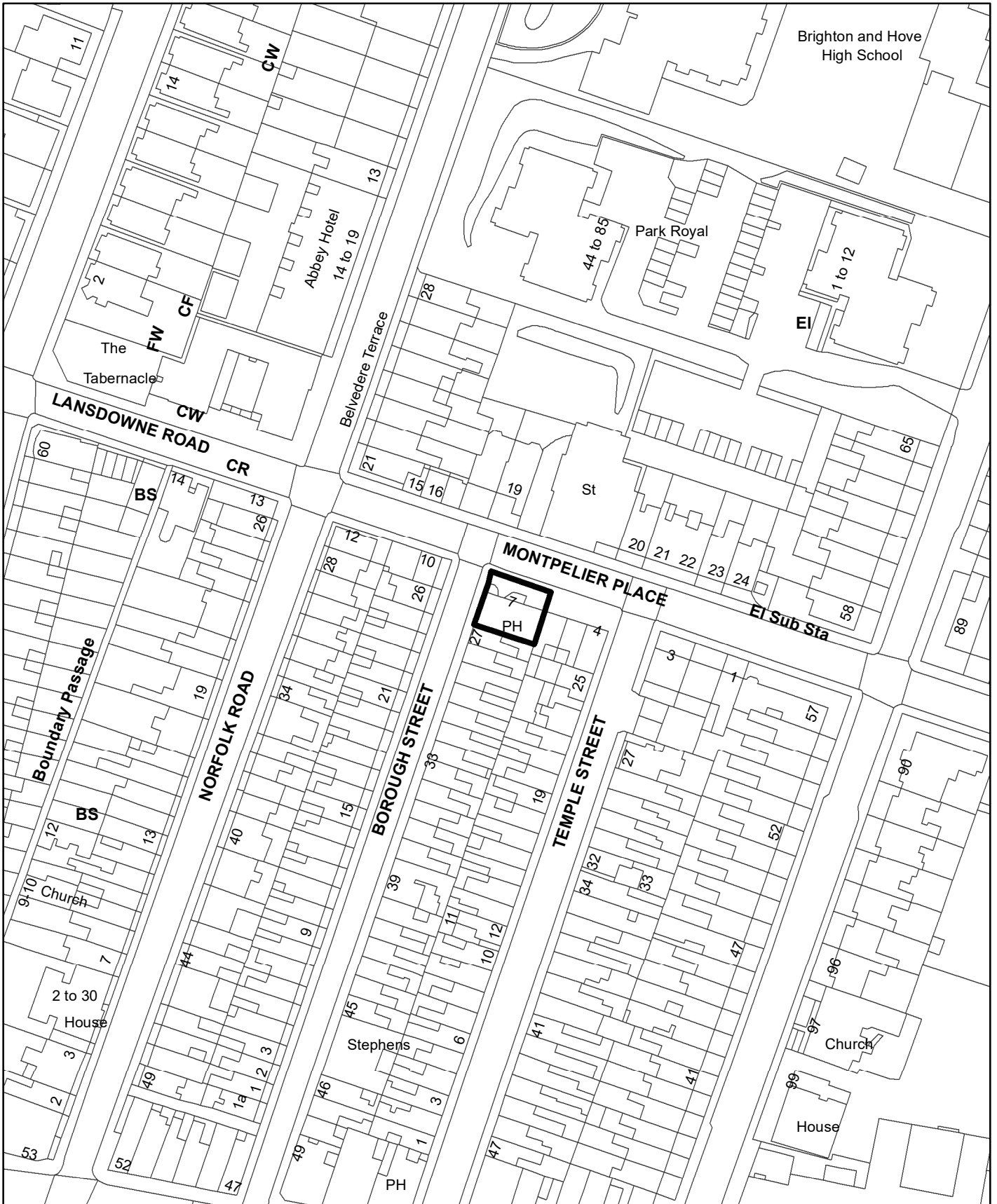
# **ITEM D**

**Montpelier Inn, 7-8 Montpelier Place  
BH2022/02562  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**



# BH2022 02562 - Montpelier Inn, 7-8 Montpelier Place



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/02562</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Montpelier Inn 7-8 Montpelier Place Brighton BN1 3BF</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing public house (sui generis) and maisonette (C3) to form 5no flats and maisonettes (C3) with associated alterations.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, tel: 293311	<b><u>Valid Date:</u></b>	11.08.2022
<b><u>Con Area:</u></b>	Montpelier and Clifton Hill	<b><u>Expiry Date:</u></b>	06.10.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Hafez F Barakat 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 **REFUSE** planning permission for the following reasons:

1. Insufficient details and information have been provided to demonstrate that robust attempts have been made to secure an on-going public house use, and to demonstrate that the public house use is not economically viable and could not be made viable in the future. Further, no alternative community use is proposed. Therefore the proposals are contrary to Policy DM10 of the Brighton and Hove City Plan Part 2.

### Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	TA1341/01	A	11 August 2022
Proposed Drawing	TA1341/10	F	11 August 2022
Proposed Drawing	TA1341/11	E	11 August 2022
Proposed Drawing	TA1341/12	E	11 August 2022
Proposed Drawing	TA1341/13	F	11 August 2022
Proposed Drawing	TA1341/14	F	11 August 2022
Proposed Drawing	TA1341/15	E	11 August 2022

Proposed Drawing	TA1341/16	E	11 August 2022
Proposed Drawing	TA1341/17	B	11 August 2022
Proposed Drawing	TA1341/18	D	11 August 2022
Proposed Drawing	TA1341/19	E	11 August 2022
Proposed Drawing	TA1341/20	F	11 August 2022
Proposed Drawing	TA1341/28	A	11 August 2022
Proposed Drawing	TA1341/29	A	11 August 2022
Proposed Drawing	TA1341/30	C	11 August 2022
Proposed Drawing	TA1341/31	A	11 August 2022
Proposed Drawing	TA1341/32	A	11 August 2022
Proposed Drawing	TA1341/33	A	11 August 2022
Proposed Drawing	TA1341/34	A	11 August 2022
Proposed Drawing	TA1341/35		11 August 2022
Proposed Drawing	TA1341/36		11 August 2022
Proposed Drawing	TA1341/37		11 August 2022
Proposed Drawing	TA1341/40	E	11 August 2022
Report/Statement	Marketing report		24 October 2022

## 2. SITE LOCATION

- 2.1. The application site relates to a three storey over basement property. The property is grade II listed and comprises a vacant public house known as the Montpelier Inn. The property has been vacant since December 2020. The building is situated on the corner of Montpelier Place and Borough Street and is located within the Montpelier and Clifton Hill Conservation area.
- 2.2. The site is also within the setting of a number of listed buildings and non-designated heritage assets, including the grade II\* listed First Base Day Centre opposite.

## 3. RELEVANT HISTORY

- 3.1. **BH2022/02563:** (Listed Building Consent) Internal and external alterations to facilitate the conversion of public house (sui generis) and maisonette (C3) into 5no flats and maisonettes (C3). Approved.
- 3.2. **BH2021/04378:** (LBC) Internal and external works associated with the conversion of existing public house and maisonette into 2no. two bedroom maisonettes and 3no. one bedroom flats, and the creation of a ground floor commercial unit. Withdrawn
- 3.3. **BH2021/04377** (FP) Conversion of existing public house (sui generis) and maisonette (C3) into 2no. two bedroom maisonettes and 3no. one bedroom flats (C3) with associated alterations. Incorporates creation of 1no. commercial (Class E/F.1/F.2) unit on the ground floor. Withdrawn

- 3.4. **BH2021/02388** (LBC) Conversion of pub (A4) and maisonette (C3) to create 2no one-bedroom and 3no two-bedroom flats (C3). Refused October 2021. This application was refused on the following grounds:
- Insufficient information has been submitted to justify and inform the proposed layout changes to the listed building, particularly with reference to the removal of the existing staircase and its proposed repositioning at lower ground and ground floor level. The proposal would therefore not preserve the historic character of the Grade II Listed Building and would be contrary to Policies CP15 of the Brighton and Hove City Plan Part One and HE1 of the Brighton and Hove Local Plan.
- 3.5. **BH2021/02387** (FP) Conversion of existing public house (sui generis) and maisonette (C3) into 3no two bedroom maisonettes and 2no one bedroom flats (C3) with associated alterations. Refused October 2021 .This application was refused on the following grounds:
- Insufficient information has been submitted to demonstrate that the loss of the public house, as a community facility, is acceptable by virtue of not being needed, or that provision would be made elsewhere to compensate for its loss. Detail has not been provided to show that the public house is not economically viable and could not be made viable in the future; or that the local community no longer needs the public house or an alternative community facility. The proposed scheme would therefore be contrary to policies H020 of the Brighton Local Plan and DM10 of the emerging City Plan Part 2 which aim to protect community facilities.

#### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the conversion of the existing public house and above maisonette to form 5 units of residential accommodation with associated alterations.

#### 5. REPRESENTATIONS

- 5.1. **Nineteen (19)** letters of representation have been received supporting the proposed development on the following grounds:
- Good design
  - The use of the building as a pub has resulted in antisocial problems
  - The community will not miss the use of the pub
  - There are several other pubs close by
  - The conversion to residential will uplift the area
  - The removal of the pubs licence has stopped problems in the area
  - The works are in keeping with the listed building
  - The previous pub attracted drugs and violence
  - The proposals provide much needed housing
  - The direct surrounding area is residential so the proposals would be in keeping

- The property has now fallen into disrepair and is detrimental to the area
  - The re-opening of the pub will draw custom away from other existing local struggling businesses
- 5.2. **Two (2)** letters of representation have been received objecting to the proposed development on the following grounds:
- Prior to lockdown the building was a lively sports bar and an asset to the neighbourhood
  - The proposals should include a commercial property to create a lively neighbourhood
  - The pub was successful prior to the issues which saw it close
  - The building should be used as a family run pub
  - The pub should not be lost to make way for housing
- 5.3. **Councillors Tom Druitt and Alex Philips** support the proposed development. Please see comments attached.

## 6. CONSULTATIONS

- External
- 6.1. **Conservation Advisory Group** Recommend approval
- Internal
- 6.2. **Environmental Health** No comment
- 6.3. **Heritage** Seek further information 08.09.2022 Further information required regarding parking forecourt to the front of the property.
- 6.4. Further comments following submission of further information 30.09.2022 The information provided has addressed previous concerns and the scheme is now acceptable subject to conditions.
- 6.5. **Policy** Objection Policy DM10 criterion (a) has not been satisfied and it is not accepted that the problems associated with the former operations of the pub justify its permanent loss. It is not concluded that robust attempts have been made to secure an ongoing public house use and therefore the loss of the public house is contrary to Policy DM10 of the City Plan Part 2.
- 6.6. **Sustainable Transport** No objection subject to 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 City Plan Part Two (adopted October 2022)
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (adopted October 2019).

## 8. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part 2

DM1 Housing Quality, Choice and Mix

DM10 Public Houses

DM18 High quality design and places

DM20 Protection of Amenity

DM26 Conservation Areas

DM27 Listed Buildings

DM33 Safe, Sustainable and Active Travel

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP2 Sustainable economic development

CP8 Sustainable buildings

CP9 Sustainable transport

CP12 Urban design

CP14 Housing density

CP15 Heritage

CP19 Housing mix

#### Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

## 9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use, the impact on the historic character and appearance of the listed building, streetscene and surrounding conservation area, impact on neighbouring amenity, standard of accommodation and impact on the highway network.
- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need

calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

#### **Principle of development**

- 9.5. The Local Planning Authority recognises the importance of social and community facilities which make a vital contribution to the well-being of the community and the 'quality of life' of neighbourhoods. Community facilities, such as public houses, are therefore protected under policy DM10 of the City Plan Part 2.
- 9.6. Policy DM10 of the City Plan Part Two specifically relates to Public Houses. This policy requires it to be demonstrated that the existing use as a public house is not economically viable now and could not be made viable in the future; and that the local community no longer needs the public house and alternative provision meeting a similar need is available in the locality. The application submission does not address the requirements of Policy DM10.
- 9.7. Policy DM10 states:  
*Planning permission will not be granted for development that would result in the loss of a pub except where:*
- a) *it has been demonstrated that use as a public house is not economically viable now and could not be made viable in the future; and*
  - b) *It has been demonstrated that the local community no longer needs the public house and alternative provision meeting a similar need is available in the locality...*  
*... Where an alternative use can be justified, priority will be given to re-use of the premises or site for alternative community facilities.*
- 9.8. It is noted that the former pub has not reopened since its enforced temporary closure in December 2020 following persistent public order incidents and mismanagement and consequently the decision of the Licencing Panel in December 2020 to revoke the premises' license for three months, evidence of which is set out in the appendices to the Planning Statement in support of the application.
- 9.9. With regard to Policy DM10, as noted above, it appears that the pub under its former management was not generally valued by the local community and no significant objection is raised in relation to criterion (b) of Policy DM10 given the

provision of quite a number of alternative pubs in the vicinity, which was a conclusion reached in refused application BH2021/02387.

- 9.10. This previous application was refused (BH2021/02387) in relation to the conversion of the public house to residential use on the grounds that the application did not meet criterion (a) of Policy DM10.
- 9.11. It remains the case that it is not accepted that the problems associated with the former operations of the pub justify its permanent loss. A change of management and refocussing of the pub to attract a different clientele would stand a good chance of restoring a viable public house use in this densely populated, city centre location. This has been successfully achieved by other pubs in the city. Robust marketing focussed on achieving this aim must be demonstrated before the permanent loss of the public house can be accepted.
- 9.12. The supporting text to Policy DM10 in para. 2.90 sets out marketing requirements that are necessary in seeking to maintain a public house use. The site/premises must be appropriately and prominently marketed for a period of at least 24 months at an independently verified fair price for ongoing use as a public house, with both freehold and leasehold options available without a 'tie'. This avoids the unnecessary loss of pubs due to short term fluctuations in demand, particularly given the difficulty in re-providing pubs in established residential areas.
- 9.13. It is noted that additional marketing of the premises has occurred since the last application, with the marketing particulars indicating an opportunity for a restaurant/bar with accommodation. Further information has been submitted during the lifetime of this application in October 2022 to demonstrate that the premises has been marketed since February 2022 and that there has been little interest in the property owing to the level of investment and work needed, the current unstable economic climate and given the secondary location.
- 9.14. However, the marketing approach is not in accordance with that required by the policy as set out above, and it cannot be concluded that robust attempts have been made to secure an ongoing public house use.
- 9.15. It is also the case that if the marketing was satisfactorily proven, and an alternative use could be justified, Policy DM10 states that priority should be given to re-use of the premises for alternative community facilities, which is not the case with this residential conversion. No information has been submitted in relation to the presence of other community uses in the vicinity or to demonstrate that an alternative community use is not feasible.
- 9.16. The proposed development cannot therefore be supported and as such the proposals are contrary to Policy DM10 of the Brighton and Hove City Plan Part 2.

#### **Design and appearance**

- 9.17. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

- 9.18. 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".
- 9.19. The proposal includes a modest extension to the rear of the building at second floor level and the removal of a rear terrace. The extension would remove an original mono-pitched roof at first floor to then continue the line of the elevation up to roof level finished with a flat roof. The Heritage officer has confirmed there is no objection to this element of the scheme as the works are confined to the less significant rear elevation.
- 9.20. The proposal also includes a number of minor external alterations to the fenestration, for which appropriate details have been submitted. The alterations are welcomed and make a positive contribution to the building and would preserve the character and appearance of the listed building and the surrounding conservation area.
- 9.21. The Heritage officer noted that the change of use from commercial to residential has the potential for harmful car parking on the front forecourt. During the lifetime of this application further information has been submitted by the applicant to state that the existing black and white tiling installed in the early 21st Century will be removed and replaced with either red brick or York stone slabs and cast iron bollards installed to prevent illegal parking. This is considered acceptable by the Heritage team subject to a condition were the application otherwise acceptable to secure further details.
- 9.22. The external appearance of the application would therefore accord with policies CP12 and CP15 of the City Plan Part One and policies DM18, DM26 and DM27 of the City Plan Part 2.

#### **Standard of accommodation**

- 9.23. The proposals to convert the existing building into residential use would result in the provision of 5 units of accommodation (net gain of 4 units). The building would create 3no. one-bedroom units, 1no. 2-bedroom unit and 1no. 3-bedroom unit.
- 9.24. Each of the units proposed would meet or exceed the minimum national space standards in accordance with policy DM1 of the City Plan Part 2. The layout of the units is broadly similar to that proposed under application BH2021/02387, the standard of accommodation was considered acceptable in this scheme.
- 9.25. The proposals would comprise a mix of maisonettes and flats. The lower-level maisonettes (units 1 and 2) would suffer from some lack of light due to the siting

of the lower ground floor. Bedrooms have been positioned within the lower ground floor and whilst their basement siting might restrict light and outlook, it is considered that these rooms would still be acceptable. The primary living rooms for these units would be located on the ground floor and would be served by the large bay window openings, and therefore adequate light and outlook would be achieved in these rooms. It is acknowledged that these are street level windows and therefore may be overlooked from the pavement.

- 9.26. However, the building is set back with a forecourt in front and where bedroom windows are located there is a void serving the basement level, providing further separation. On balance it is considered that it is not an uncommon scenario within the locality to have large habitable room openings at street level.
- 9.27. Each habitable room within each of the 5 units proposed would be served by a window providing light, outlook and ventilation. The plans also provide an indicative furniture layout which demonstrates how some furniture items likely to be required by future occupiers could be accommodated and still retain sufficient circulation space.
- 9.28. Whilst it is acknowledged that the units proposed would not benefit from private external amenity space, this is not uncommon for a constrained city centre location such as this. Further the dwellings would be within walking distance of public green open spaces and the beach.
- 9.29. The residential accommodation would therefore comply with policies DM1 and DM20 of the City Plan Part 2.

**Impact on amenity**

- 9.30. The proposed conversion of the building to residential is considered acceptable in terms of its impact on neighbouring properties. The site is located within a predominantly residential area and therefore the use would have less impact than the existing commercial use.
- 9.31. The proposed rear extension due to its siting and modest scale would not have result in any harm in terms of loss of light, overshadowing or an overbearing impact on neighbouring properties.
- 9.32. New window openings would be positioned on the rear elevation at second floor level within the recess. These would all be modest in scale and would provide similar views as existing openings on this elevation. Therefore, no significant overlooking or loss of privacy would occur.
- 9.33. A small patio area would be created at lower ground floor level. Given its siting and scale, no overlooking or loss of privacy would occur, and any noise increase would be minimal and would not be harmful in this location.
- 9.34. It should also be noted that these external alterations were considered acceptable under previous applications. The alterations proposed are in accordance with policy DM20 of the City Plan Part 2.

### **Sustainable transport**

- 9.35. The site is centrally located and close to bus routes and amenities, where residential use would be appropriate in principle.

#### Pedestrian access

- 9.36. The applicant is not proposing changes to pedestrian access arrangements onto the public highway, and this is deemed acceptable. Pedestrian access is from street level through the existing main entrance door on Montpelier Place.

#### Cycle Parking

- 9.37. SPD14 requires a total of 6 cycle parking spaces for this scheme. If the scheme were otherwise considered acceptable, a condition would be sought to secure cycle storage on the front forecourt.

#### Deliveries/servicing

- 9.38. There are double yellow lines in the vicinity of the site without loading restrictions, as well as shared use parking bays which could be used for general deliveries. If the application were otherwise acceptable a condition would be sought for further details of storage for refuse and recycling.

#### Car Parking

- 9.39. The application does not propose changes to the existing situation. The proposals would not provide the opportunity to park on site.
- 9.40. The additional 4 units would likely increase demand for on-street parking. The site is located within Controlled parking zone Z which has a high demand of permits. Parking in the local area and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone and therefore the proposals are considered acceptable in this respect.

#### Trip generation

- 9.41. It is not anticipated that the additional dwellings will result in an excessive increase in person and vehicle trip and therefore the development will not have a severe impact on the highway.

### **Climate change/biodiversity**

- 9.42. As a conversion/alteration of a listed building, the opportunities to incorporate sustainable or biodiversity measures is somewhat limited. The proposals would however upgrade an existing vacant building and provide residential accommodation in a sustainable location with good access to public transport links. A condition could be imposed to incorporate a bee brick were the proposal to be otherwise acceptable.

## **10. CONCLUSION**

- 10.1. It is acknowledged that the proposals would result in the provision of 5 residential units that provide an acceptable standard of accommodation. However, the proposals for the total loss of the existing public house are contrary to the aims of Policy DM10 of the City Plan Part 2. Insufficient information and detail have

been provided to demonstrate that robust attempts have been made to secure an on-going public house use and that the public house could not be made viable. Further no alternative community use has been proposed in line with policy DM10.

- 10.2. It is recognised that given the council is currently unable to demonstrate a 5-year housing supply, and thus increased weight is given to the provision of residential accommodation in line with the NPPF. However, this does not outweigh the fundamental policy objection in this instance and as such the application is recommended for refusal.

## **11. EQUALITIES**

- 11.1. The application relates to the conversion of a listed building and in this instance step-free access is not achievable.







## PLANNING COMMITTEE LIST

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

**Cllr. Alex Phillips & Tom Druitt**

**BH2022 02562 - Montpelier Inn, 7-8 Montpelier Place**

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

We support housing on the site because we always need more housing in the city. We also do not want it to revert to any form of public house type establishment with alcohol because of the grave difficulties associated with the Montpelier Inn. This caused havoc for the local community, many of whom work from home, but also commute and have young families and public sector jobs including shift work.



# **ITEM E**

**23 Brooker Street  
BH2022/02465  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**



# BH2022 02465 - 23 Brooker Street



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Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/02465</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>23 Brooker Street Hove BN3 3YX</b>		
<b><u>Proposal:</u></b>	<b>Subdivision of existing single dwelling house (C3) to create 3no residential units (C3) with alterations including erection of single storey side extension, rear dormer, 2no front rooflights and revised fenestration.</b>		
<b><u>Officer:</u></b>	<b>Ayscha Woods, tel: 292322</b>	<b><u>Valid Date:</u></b>	<b>02.08.2022</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>27.09.2022</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>CMK Planning 11 Jew Street Brighton BN1 1UT</b>		
<b><u>Applicant:</u></b>	<b>R Symonds 68 Old Shoreham Road Hove BN3 6GF</b>		

## 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 Plan	018-001		2 August 2022
Proposed Drawing	018-110		28 October 2022
Proposed Drawing	018-111		28 October 2022
Proposed Drawing	018-112		28 October 2022
Proposed Drawing	018-113		2 August 2022
Proposed Drawing	018-120		2 August 2022
Proposed Drawing	018-121		2 August 2022
Report/Statement		Planning Statement	2 August 2022

Informatives:

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

## 2. SITE LOCATION

- 2.1. This application relates to 23 Brooker Street which is a two-storey, bay-fronted end-of-terrace dwellinghouse located on the western side of Brooker Street. The site is not located within a conservation area but is adjacent to the Old Hove Conservation Area to the rear of the site.
- 2.2. Adjacent to the north of the application site is a new detached single dwelling house recently constructed under planning permission ref. BH2016/02102, of a similar overall form to the application site. The rear of the properties face Brooker Place which is characterised by mostly the rear of dwellings of Brooker Street and the rear of 35-61 Sackville Road with some single storey rear garages and some rear infill development.

### **3. RELEVANT HISTORY**

None relevant

### **4. APPLICATION DESCRIPTION**

- 4.1. Permission is sought for the subdivision of the existing single dwelling house (C3) to create 3no residential units (C3) with alterations including erection of single storey side extension, rear dormer, 2no front rooflights and revised fenestration.
- 4.2. Amendments were received throughout the course of the application including a reduced scaled dormer to the rear roofslope, and removal of a rear external stairway.

### **5. REPRESENTATIONS**

- 5.1. Thirteen (13) letters have been received objecting to the proposed development on the following grounds:
  - Poor design
  - Additional Traffic
  - Detrimental affect on property value
  - Adversely affects Conservation Area
  - Noise
  - Overdevelopment
  - Overshadowing/loss of light
  - Loss of privacy
  - Overlooking
  - Impact on parking
  - Residential Amenity
  - Too close to the boundary
  - Restriction of view
  - Loss of family home



## 6. CONSULTATIONS

- 6.1. **Private Sector Housing:** No comment received
- 6.2. **Environmental Health:** No comment received
- 6.3. **Housing Strategy:** No comment  
No comments to make.
- 6.4. **Planning Policy:** No comment  
Policy comments not required.
- 6.5. **Sustainable Transport:** No objection  
Acceptable. The proposed subdivision of the existing single residential property to create three residential units will result in an increase in trips generated by the site, however this increase in trips is not expected to result in a negative impact on the local highway network.
- 6.6. The proposal includes a communal bike store for 3 semi vertical cycle racks. However semi-vertical cycle racks are not considered to be easily used by all.

## 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 City Plan Part Two (adopted October 2022)
  - 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).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

### Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM3	Residential conversions and the retention of smaller dwellings
DM18	High quality design and places
DM21	Extensions and alterations
DM20	Protection of Amenity

DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage

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 conversion of the dwellinghouse, the standard of accommodation provided, any potential impact on the amenities of neighbouring properties, impact of the design and appearance on the character of the building and wider area, and transport and sustainability issues.
- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

### **Principle of Development:**

- 9.5. The scheme proposes a subdivision of the existing single dwellinghouse to 3no. separate units. Policy DM3 of the adopted City Plan Part Two relates to conversions and the retention of smaller dwellings.
- 9.6. Planning permission for the conversion of dwellings into smaller units of self-contained accommodation will be granted where all the following criteria are met;
- a) The original floor area is greater than 120sqm or the dwelling has 4 or more bedrooms as originally built;
  - b) At least one unit of the accommodation provided is suitable for family occupation and has a minimum of two bedrooms; and
  - c) The proposal provides a high standard of accommodation that complies with requirements set out in Policy DM1 Housing Quality, Choice and Mix.
- 9.7. The proposal has an existing outrigger to the rear which appears to be original XXXXXXXX and is included in the original floorspace of the building. The original floor area has been sufficiently demonstrated to be in excess of 120m<sup>2</sup> and therefore meets criteria a.
- 9.8. The proposed ground floor unit would have two bedrooms including a double and a single bedroom and whilst minimal, would be of a size suitable for family occupation, with facility and space for storage, a bathroom and access to a small rear garden. Therefore, criteria b is met.
- 9.9. All three of the proposed units would comply with the national described space standards (NDSS) and would comply with policy DM1 (discussed further under standards of accommodation section below). Criteria c is considered to be met.
- 9.10. Accordingly, no objection is raised to the principle of the proposal. It is also noted that the proposals would contribute towards the city's housing target.

**Design and Appearance:**

- 9.11. The application would involve some alterations to the external appearance of the property. Two rooflights are proposed for the front roofslope with a suitably sized dormer and single rooflight to the rear roofslope. There would be a small single storey side extension to the rear ground floor unit with two rooflights over. The ground floor rear of the outrigger would have bi-folding doors for access to the garden and the first floor side window would be moved towards the rear and enlarged to provide suitable light to the proposed first floor rear kitchen.
- 9.12. The physical alterations are considered to be appropriate for the building and would not cause harm to the character of the area and are in accordance with CP12 of the Brighton and Hove City Plan Part One and DM21 of the Brighton and Hove City Plan Part Two.

**Impact on Amenity:**

- 9.13. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 9.14. The principle of the proposed conversion is not deemed likely to result in an unacceptable increase in noise or activity levels which would be of detriment to any neighbouring properties, including those created as a result of the proposal, given the existing residential character of the area.
- 9.15. It is noted that the originally proposed external stairway was raised as a matter of concern by numerous letters of representation with regards to noise disturbance and overlooking concerns. The external staircase originally proposed has been removed from the proposal throughout the course of the application.
- 9.16. It is not considered that the occupation of the site as three small residential units would result in any significantly harmful noise disturbance above and beyond the existing residential occupation of the site and surrounding area and is not considered to be detrimental to amenity. The proposal is therefore considered to be in accordance with DM20 of the Brighton and Hove City Plan Part Two.

**Standards of Accommodation:**

- 9.17. 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. These were formally adopted into the newly adopted Brighton and Hove City Plan Part Two (October 22) under Policy DM1 and holds full weight.
- 9.18. The proposed units are assessed below:
- 9.19. Ground floor, two bed unit:
- Total floor area measures 70sqm
  - Bedroom - 18sqm (double)
  - Bedroom - 10sqm (single)
- This unit exceeds the NDSS for 2 bed, 3 person, 1 storey unit of 61sqm, with a double bedroom which exceeds the minimum size of 11.5sqm and a single bedroom which exceeds the minimum size of 7.5sqm. This unit also has access to small rear garden and is considered suitable for family occupation.
- 9.20. First Floor studio unit:
- Total floor area measures 37sqm
  - Bedroom approx. 10sqm
- This unit meets the NDSS for a 1 bed, 1 person, 1 storey studio of 37sqm. The bedroom area within the studio flat would be suitable in size and exceeds the minimum of 7.5sqm with suitable storage and usable living area.
- 9.21. First/Second Floor unit:
- Total floor area measures 58sqm
  - Bedroom - 17sqm (double)
- This unit meets the NDSS for a 1 bed, 2 person, 2 storey unit of 58sqm. The bedroom area would be suitable in size and exceeds the minimum of 11.5sqm with suitable storage and usable living area.

9.22. All units would meet the minimum NDSS standards and would have suitable space for furniture and circulation and access to outlook and natural light. Whilst the ground floor single bedroom would have limited direct sunlight the rest of the unit would otherwise present a good standard of accommodation and is therefore considered to be acceptable.

9.23. DM20 of CPP2 require the provision of private amenity space in new development. Whilst the scheme is a conversion of an existing dwelling, it is noted that the ground floor family unit would have access to the rear garden which is supported.

**Sustainable Transport:**

9.24. The proposal is unlikely to result in a significant uplift in trip generation.

9.25. The site is constrained for space and is unlikely to be able to accommodate policy compliant cycle parking. Cycle parking is proposed, and this is supported.

9.26. The site is located within a Controlled Parking Zone (CPZ) with the issuance of on-street permits at the discretion of the Local Highways Authority.

**Sustainability:**

9.27. Policy CP8 of the submission City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. For the conversion of existing buildings which are in residential use already, there is no longer a specific sustainable building requirement.

**10. CLIMATE CHANGE/BIODIVERSITY:**

10.1. The works would modernise and refurbish the existing building. The scheme would have a neutral impact on biodiversity.

**11. EQUALITIES**

None identified.



# **ITEM F**

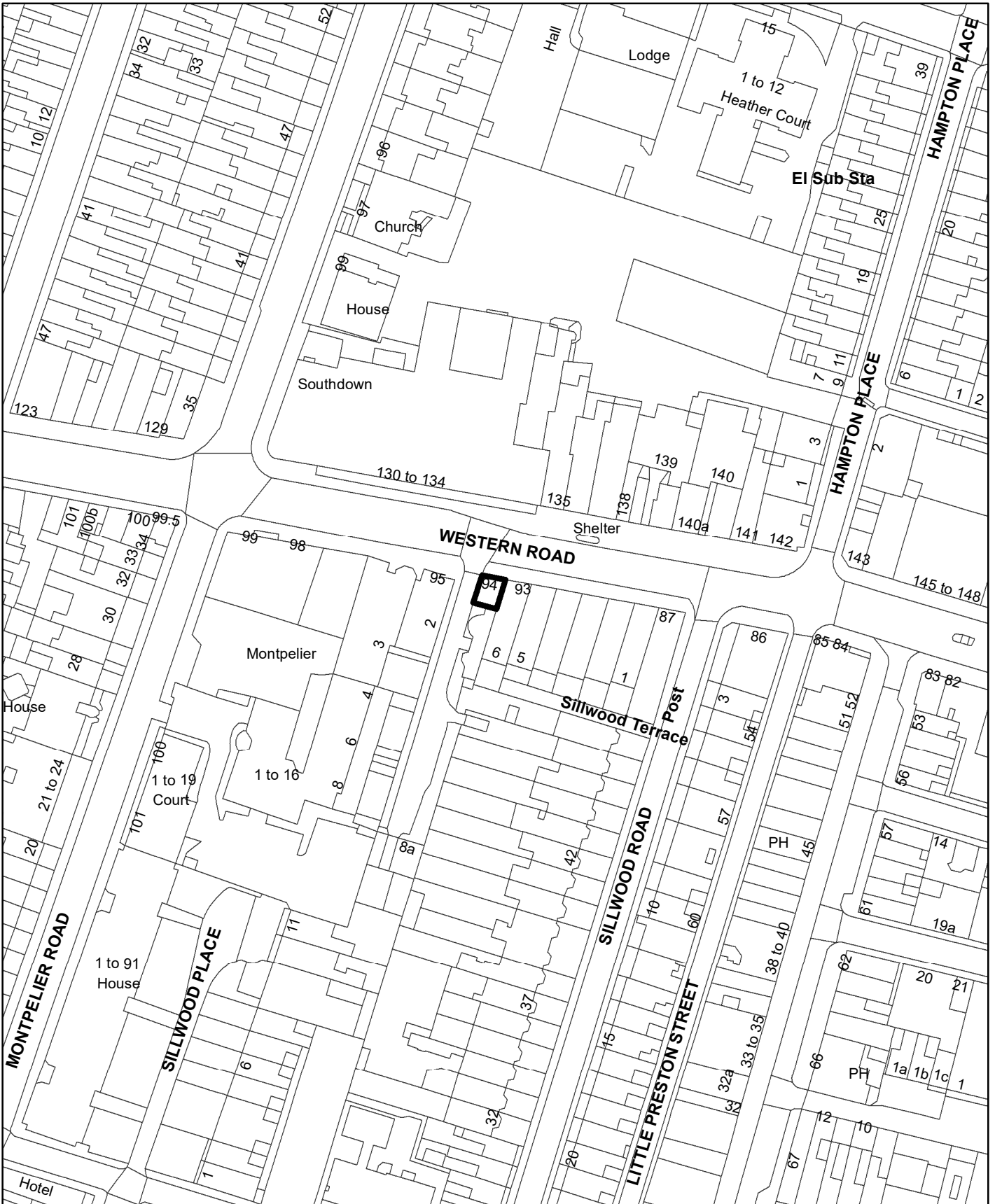
**94 Western Road  
BH2022/02842  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**





# BH2022 02842 - 94 Western Road



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Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/02842</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>94 Western Road Brighton BN1 2LB</b>		
<b><u>Proposal:</u></b>	<b>External alterations including installation of flue at rooftop level and awning on front elevation, with associated alterations.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	28.09.2022
<b><u>Con Area:</u></b>	Regency Square	<b><u>Expiry Date:</u></b>	23.11.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	08.12.2022
<b><u>Agent:</u></b>	Mrs Derya Yilmaz Teke Villa Maria The Lees Manor Road Brighton BN2 5YU		
<b><u>Applicant:</u></b>	Mr Zeki Isik 22 Richmond Court 28 Osmond Road Hove BN3 1TD		

## 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	02	-	8 September 2022
Detail	Detail of Awning	-	1 November 2022
Block Plan	-	-	8 September 2022
Location Plan	-	-	8 September 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. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

4. The flue and associated equipment hereby permitted shall be used only between the hours of 07:00 and 22:00 on Mondays to Saturdays, and between the hours of 07:00 and 21:00 on Sundays, Bank and Public Holidays.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to ensure that any advertisements they wish to display benefit from advertisement consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) prior to their display.
3. 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.
4. The applicant is advised to contact [permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) if they wish to suspend parking outside the application site during the delivery and construction period.
5. The applicant is advised that they must apply for a license for proposals for 'A' boards/banners/barriers/balustrades/tables/chairs/planters/structures on the public highway under Section 115e of the Highways Act 1980. The applicant is further advised to contact the Council's Highway Enforcement Team ([street.licensing@brighton-hove.gov.uk](mailto:street.licensing@brighton-hove.gov.uk) 01273 292090) for further information if they wish to place anything on the public highway at their earliest convenience to avoid delay. The reasons behind this licence system is to ensure emergency access, for the proposal to be safe and secure, to not be the source of a nuisance (for example out of hours) and to maintain enough footway width for all users to easily and safely pass and repass as is their legal right.

## **2. SITE LOCATION**

- 2.1. The application site is a two-storey attached building located on the southern side of Western Road, at its junction with Western Terrace, a small cul-de-sac running along the western side of the site. The site is within the Regency Square Conservation Area. It has most recently been in lawful use as a hairdressers (planning use class E) but is currently vacant.

- 2.2. The site adjoins the grade II\* listed building Western Pavilion (and attached railings) and is adjacent to the Eastern Part of Debenhams Store (and attached wall) which is grade II listed. Just southwest of the site are Sillwood Hall and no.8A Western Terrace, also grade II listed.

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

- 3.1. 94 Western Road is an unlisted building in the Regency Square Conservation Area. It is an early twentieth century building on the corner of Western Terrace. The building itself is a two-storey property with a retail frontage and full height glazing on both floors and both elevations and is not of major historical or architectural significance.
- 3.2. To the rear of the property facing onto Western Terrace is the grade II\* listed no.9 Western Terrace. No.9 Western Terrace was built in the 1820s, it is a part two-, part three-storey building and clearly is strongly influenced by the Brighton Royal Pavilion, being designed in an interpretation of an Indian Oriental style. It is therefore the proposal site's effect on the setting of that listed building on its western and southern elevation of 94 Western Road that is of the greatest significance to this proposal.

### **4. RELEVANT HISTORY**

- 4.1. **BH2022/01801** Change of use from hairdressers (E) to restaurant and hot foot takeaway (E/sui generis) with internal flue to extract from flat roof above. External alterations including installation of awning to front elevation. Withdrawn

### **5. RELEVANT HISTORY AT OTHER SITES**

- 5.1. **BH2017/03720 - no.95 Western Road** Change of use from restaurant (A3) to restaurant (A3) and takeaway (A5), replacement of condensers on roof, creation of external seating area with installation of railings, replacement of existing ventilation and associated alterations. Approved

### **6. APPLICATION DESCRIPTION**

- 6.1. Planning permission is sought to install an external flue at rooftop level and an awning on the front (north) elevation.

### **7. REPRESENTATIONS**

- 7.1. Twelve (12) representations have been received, objecting to the proposal on the following grounds:
- Noise nuisance
  - Odour nuisance from extractor equipment

- Detrimental impact on listed building
  - Proposed awning is presumably to cover external seating area, impacting on footway width
  - There is an unauthorised aerial upon the application property
  - Application is the same as withdrawn application BH2022/01801.\*
  - Increase traffic from general deliveries and takeaway delivery vehicles\*
  - Increased likelihood of anti-social behaviour\*
  - Detrimental impact on highway safety\*
  - Proliferation of hot food takeaway businesses in the area\*
  - Lack of drainage on Western Terrace\*
- 7.2. Four representations have been received, supporting the proposal on the following grounds:
- Bringing use back to a vacant commercial unit
  - Increased tax revenue
- 7.3. Officer Note: this application solely relates to the installation of an awning and flue, not the change of use of the site, because the previous hairdresser use falls within the same use class as that of a restaurant, namely Class E. Therefore those matters marked with an asterisk cannot be taken into account in the determination of this application.
- 7.4. *There was some confusion as when the current application was submitted, the applicant had not updated the proposal to remove references to a hot food takeaway business, and the description of the development was not corrected until after consultation with local residents had already been undertaken. The description was thereafter corrected, and a new consultation was undertaken.*

## 8. CONSULTATIONS

- 8.1. Heritage  
All of the important objections to the previous proposal [Ref: BH2022/01801] have been ameliorated so that the railings are not opened up by a new gate to the street, the ducting does not travel along the rear face of the building next to the listed building, and the ducting on the roof and its exhaust system is set back for the edge of the building so that it will not be visible from the street.
- 8.2. Therefore, on balance there are no further objections on conservation grounds to this proposal.
- 8.3. Policy  
No Comment
- 8.4. Sussex Police  
Some concern raised over cumulative impact of change of use to restaurant/takeaway [but as noted, no change of use is proposed in this application].

### Transport

- 8.5. Some concern raised over the increase in customer trips, deliveries/pick-ups etc. resulting from the change of use [but as noted, this does not form part of this application].
- 8.6. It is noted that the proposal includes an awning. Should the applicant wish to place tables and chairs on the highway in front of the development, the applicant is advised to apply for a licence. However, the placement of furniture on Western Road footway would reduce the footway, negatively affecting pedestrian comfort levels in a busy city centre retail area that experiences high levels of footfall. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience to avoid any delay.

## **9. MATERIAL CONSIDERATIONS**

- 9.1. 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.
- 9.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - 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.

## **10. RELEVANT POLICIES**

### The National Planning Policy Framework (NPPF)

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

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton
CP4	Retail Provision
CP9	Sustainable Transport
CP12	Urban Design
CP13	Public Streets and Spaces
CP15	Heritage

#### Brighton & Hove City Plan Part Two

DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM20	Protection of Amenity

DM21	Extensions and alterations
DM23	Shop Fronts
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

## 11. CONSIDERATIONS & ASSESSMENT

- 11.1. The main considerations in the determination of this application relate to 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.
- 11.2. A site visit has not been undertaken in this instance; however, the impacts of the development can be clearly assessed from the plans and photos provided and from recently taken street-level and aerial imagery of the site.
- 11.3. It should be clarified that no change of use class has been applied for as part of this application, as the previous use (a hairdressers) and the proposed restaurant use both fall under the E Use Class. The previous application (ref: BH2022/01801) proposed a change of use class from (E) to restaurant/hot food takeaway (E/sui generis) but was withdrawn following concerns being raised by the Highway Authority. The current application seeks planning permission only for the external works (an awning and an extraction flue) that would facilitate a restaurant operation on the premises.

### Design and Appearance

- 11.4. The proposed development is considered to be acceptable in terms of appearance. The front awning is of a fairly standard design that would be similar in appearance to many similar awnings along Western Road. The applicant has confirmed that no advertisements will be displayed upon the awning, and it is noted that this would require express advertisement consent from the Local Planning Authority.
- 11.5. The applicant has advised that the existing poorly designed signage (left in situ after the previous business relocated) will be removed, and this is welcomed.
- 11.6. The proposed flue was initially positioned upon the rear elevation of the building (under application BH2022/01801) but the Local Planning Authority raised concerns over the impact of this on the setting of the Western Pavilion. At the request of the LPA the flue was relocated so it would run internally up to the rooftop.
- 11.7. One representation has raised concerns that the flue would detract from views of the building and the setting of the Western Pavilion. However, while the flue will likely be somewhat visible from Western Terrace, it would be a modest addition to the building and is not considered to be visually impactful. Views from along Western Road are likely to be minimal; although the balustrade is not solid



(so would permit views of the flue) the flue itself is set back from the edge of the building and angles where it would be visible are expected to be few and would be from a distance. The representation has asserted that the flue would have a visual impact comparable to that of an unauthorised aerial that can be seen on the building; however, the submitted proposed elevations demonstrate that the proposed flue sits below the height of the balustrade, so it is considered that this is not a reasonable comparison.

#### Impact on Heritage

- 11.8. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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.
- 11.9. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 11.10. The proposed development, as abovementioned, is considered to be acceptable in terms of visual appearance. Concerns have been raised in the representations received that the emissions created by the proposed flue would have a detrimental impact on the grade II\* listed Western Pavilion, but this concern is not shared by the LPA. It is considered that the development would have a neutral impact on the setting of the nearest listed buildings and the Regency Square Conservation Area; there are no concerns in this regard.

#### Impact on Amenities

- 11.11. The physical alterations for which planning permission is sought are not considered to cause any risks to amenities in terms of visual impact, loss of privacy or loss of light/overshadowing; there are no concerns in this regard.
- 11.12. The proposed flue would create a noise output that could cause nuisance to occupants of the adjoining building, no.93 Western Road, particular those who occupy at first floor level adjacent to where the flue would be sited. However, there are no windows in the western elevation of no.93, but front- and rear-facing windows may be impacted upon. It is considered necessary that planning permission be granted only subject to conditions to (a) restrict the noise output of the flue and (b) limit the hours of use of all plant equipment. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise or odour complaints be received.

#### Impact on the Public Highway

- 11.13. It is asserted in the representations received that the proposed awning is meant to provide shelter for outside seating associated with the proposed restaurant. However, it is noted that there is insufficient space between the front elevation of the application property and the public footpath for seating to be placed upon

the applicant's own land, so any seating would require a licence from the Council as Highway Authority. In their comments, the Highway Officer has stated concerns about the likelihood that a licence would be granted given the detrimental impact seating would likely have on the smooth running of the public footway. In summary, this issue falls outside the remit of planning and need not be given any weight in this assessment.

- 11.14. It is noted that the Highway Authority have suggested planning conditions restricting takeaway services from the site and securing a delivery and service management plan. It is not considered reasonable to include such conditions given the creation of a restaurant in this location does not require planning permission. It is not considered necessary to restrict takeaway deliveries from the site as under a pure E Use Class the business would not be authorised to conduct takeaway business in any case. If hot food takeaway business is conducted on the site, then this could represent an unauthorised change of use and could be investigated.

#### Conclusion

- 11.15. The proposed development is considered to be acceptable in terms of appearance, the impact it would have on the significance of heritage assets in the vicinity, and on the amenities of local residents. The noise output of the proposed flue, and the hours it may be used shall be secured by condition. For the foregoing reasons the proposal is considered to be in accordance with policies CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One, and DM12, DM20, DM21, DM23, DM26, DM29, DM33 and DM40 of the City Plan Part Two.

- 12. EQUALITIES**  
None identified

#### **13. CLIMATE CHANGE/BIODIVERSITY**

- 13.1. The proposed works will facilitate a restaurant use on the premises, making effective re-use of an existing building.

# **ITEM G**

**7 Meadow Close  
BH2022/02278  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**



# BH2022/02278 7 Meadow Close



N



**Scale:** 1:1,250



<b><u>No:</u></b>	<b>BH2022/02278</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>7 Meadow Close Hove BN3 6QQ</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey outbuilding to be used as a liveable office space to include gym, kitchen, bathroom facilities and a raised patio terrace.</b>		
<b><u>Officer:</u></b>	Charlotte Tovey, 202138	tel: <b><u>Valid Date:</u></b>	14.07.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	08.09.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	12.12.2022
<b>Agent:</b>	RSP Architects Ltd 1 Westbourne Grove Hove BN3 5PJ		
<b>Applicant:</b>	MR Saaid Abdulkhani 7 Meadow Close Hove BN3 6QQ		

## 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	01	Rev A	14 November 2022

2. The annexe hereby approved shall only be used as accommodation ancillary to and in connection with the use of the main property as a single dwelling house 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 and potential future occupants because the annexe is unacceptable as a new dwelling and in accordance with policy DM20 of Brighton & Hove City Plan Part 2.

3. No erection, construction, removal, improvement or alteration of a gate, fence, wall or other means of enclosure at the site as provided for within Schedule 2, Part 2, Class A 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:** To safeguard the amenities of the occupiers of nearby properties, to ensure appropriate visual subdivision of the site and to comply with policies

DM20 of the Brighton and Hove City Plan Part Two and CP12 of the Brighton and Hove City Plan Part One

4. The layout of the new annexe shall be in strict accordance with the approved proposed floor plan 01A received on the 14th November 2022 and retained as such thereafter.

**Reason:** In order to protect the amenities of neighbouring properties and to ensure dependency on the main house, in accordance with policy DM20 of the Brighton and Hove City Plan Part Two.

Informatives:

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

## 2. SITE LOCATION

- 2.1. This application relates to the rear (north-eastern) garden of a detached dwelling house located on the northern side of Meadow Close, off Tongdean Road in Hove. Many of the residential detached bungalows and houses in the close have been remodelled and extended giving the close an eclectic appearance with a variety of styles and roof forms. The properties in the close also benefit from spacious rear gardens. No 7, like the neighbouring properties, has been extended with the alterations including a front dormer, rear extension and additional storey at the rear.
- 2.2. The site is not within a conservation area or subject to any relevant Article 4 directions restricting alterations or extensions.

## 3. RELEVANT HISTORY

- 3.1. **BH2022/02886** Formation of front and side boundary walls (part retrospective)- Under Consideration
- 3.2. **BH2017/04084** Application for Approval of Details Reserved by Conditions 3 and 5 of BH2017/00767. Approved 18.07.2018
- 3.3. **BH2017/00767** Erection of additional storey with associated alterations and single storey rear extension. Approved 19.09.2017
- 3.4. **BH2000/00946/FP** Proposed front dormer and single storey rear extension. Approved 31.05.2000

## 4. APPLICATION DESCRIPTION



- 4.1. Planning permission is sought for the erection of single storey annexe/outbuilding located on the rear (north-eastern) site boundary, that the applicant states is to be used as a liveable office space to include a gym, kitchen, and bathroom facilities, as well as a raised patio terrace. The development has been constructed, but is not fully in use so the application is therefore part retrospective. The development has been externally finished with a dark grey cladding and with a white painted render finish to the raised patio and boundary treatments.
- 4.2. The application description was amended on the 26.07.2022 to provide clarity over what is proposed to include the bathroom and kitchen facilities, as well as patio. Updated plans have also been provided to show the existing layout of the outbuilding, which is fully constructed but currently being used as temporary living accommodation while the renovation of the main dwellinghouse is completed.
- 4.3. Whilst it a preferable for planning permission to be granted prior to any works commencing, the principle of applying for these works retrospectively is permissible in law and the application remains subject to the material planning considerations listed below.

## **5. REPRESENTATIONS**

- 5.1. Twelve (12) representations have been received from eleven (11) properties objecting to the proposal on the following grounds:
  - Inappropriate height of development
  - Noise
  - Overdevelopment
  - Too close to the boundary
  - Overshadowing
  - Poor design
  - Increased vehicle numbers and parking congestion
  - Concerns the intention is to erect a new dwelling by stealth
  - Not been constructed in accordance with Building Regulations
  - Unnecessary removal of tree from the rear boundary
  - Loss of privacy
  - Encroaches on neighbouring land
  - Outbuilding has been in use as a residential annexe for two years

## **6. CONSULTATIONS**

None

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals

in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - 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. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

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

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

#### Brighton and Hove City Plan Part Two

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

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, and the impact upon neighbouring amenity.
- 9.2. A site visit has been undertaken in this instance and the impacts of the proposal can be clearly assessed from the visit, the plans submitted, photos taken and provided as well as recently taken aerial imagery of the site.

#### Principle of Development

- 9.3. For annexe accommodation to be acceptable, it must be ancillary to the main dwelling, and a clear dependency should be retained at all times with the host building. Only on this basis can annexe accommodation be regarded as not forming a separate residential unit. Dependency can be demonstrated through the sharing of facilities/links with the main building, including the sharing of

garden space, site access, and retention of internal links between the host property and annexe accommodation.

- 9.4. In this case, it is noted that the proposed annexe would be separated from the main house by the main rear garden, and includes a small living/kitchen area and bathroom area. The annexe would be accessed via the rear garden of the host property, with the floor plan showing that its habitable space would face the main rear garden area of the site. In practice, therefore, the use of the outbuilding would be dependent on the main dwelling. Given that there would be no separate highway access, the proposed habitable room location and access, and its window/door positioning, all of which can be secured by condition, it is considered on balance to demonstrate a suitable dependency on the main dwelling.
- 9.5. Further, any future use of the annexe as a separate unit of accommodation would require an application for planning permission as this would represent the formation of a new planning unit. A condition to ensure the annexe remains ancillary is recommended, for the avoidance of doubt, to ensure it does not form an inappropriate separate unit of accommodation in the future and to protect residential amenity and the character of the area.

#### Design and Appearance

- 9.6. The single storey outbuilding is of modern design and construction with an asphalt flat roof, painted render walls and double glazing including bi-folding doors. The outbuilding sits upon a raised platform of approximately 0.9m in height which spans the width of the rear garden boundary of 12.4m. The outbuilding is in part constructed upon the boundary wall with no. 6 Meadow Close and is some 3.6m in height with the flat roof parapet visual above the boundary wall by 0.4m. A rendered brick room labelled "plant room" has been constructed on the north eastern boundary adjacent to no 8 Meadow Close.
- 9.7. Whilst utilising a modern material palette and form the outbuilding is not visible from the public realm and is considered to be in keeping with the modern appearance of the dwelling. No harm to the character and appearance of the area is considered to result from its erection.
- 9.8. Supplementary Planning Document SPD12 (extensions and alterations) states that for outbuildings that the following should be considered:  
*"The siting, location, scale, materials and design of the outbuilding should have a minimal visual impact on, and be comfortably accommodated within the host garden. The maximum size of the outbuilding (or number of outbuildings) will usually be determined by the location and the size of the garden area."*
- 9.9. A site visit was conducted on 12.10.2022 to assess design and appearance of the outbuilding in situ and to assess the impact on neighbouring amenity as concerns were raised during neighbour consultation that the outbuilding was too high and too close to the boundary. The site visit demonstrated that the proposal is largely concealed by the boundary and hedges in visibility from the adjacent rear garden areas. Whilst the scale of the proposal is sizable this is considered to be acceptable in this instance due to the size of the garden within which it

comfortably sits. Given the muted dark blue painted colour of the outbuilding and where it is situated at the end of the garden under the tree line the design and scale is found to be acceptable in this instance.

- 9.10. Overall, the proposed outbuilding would represent a sympathetic and subordinate addition to the host property and no harm to the character and appearance of the area is likely to result. The development, in terms of design and appearance is considered to be in accordance with Brighton & Hove City Plan Part Two policy DM18 & DM21, City Plan Part One policy CP12 and SPD12 guidance.

Impact on amenity

- 9.11. Policy DM20 of Brighton and Hove City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. With regard to amenity, no significant adverse impacts are expected as a result of the proposed development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation and no significant harm has been identified.
- 9.12. Concerns have been raised that the outbuilding will impact detrimentally on neighbouring amenity. The outbuilding shares a boundary with no. 6 Meadow Close to the west and no. 8 to the east, as well as no 42 Tongdean Avenue directly to the rear. The latter has a wooden fence which conceals the majority of the outbuilding leaving only the flat roof visible so has limited impact on the garden. The main house at 42 Tongdean Avenue is positioned a considerable distance from the application site that the proposal would not have a detrimental impact on their amenity.
- 9.13. Views from the outbuilding into the neighbouring properties either side are limited and constrained due to the fairly substantial boundary treatments on each side of the rear garden and are not considered to be harmful. The site visit confirmed that this visual relationship is acceptable. Given the properties' sizeable gardens, the distance of the outbuilding from the neighbouring dwellings, and the positioning of the trees and hedges surrounding it, the visibility of the outbuilding would be minimal from within the neighbouring properties and would not be considered to be overbearing.
- 9.14. Concerns have been raised during neighbouring consultation that the outbuilding will have an effect on noise and light pollution. It has been confirmed in writing that the outbuilding will not be used for sleeping accommodation once the internal renovation works to the main dwellinghouse are complete. The outbuilding has sufficient facilities contained within for the owner to use in order to limit the need to move to and from the main building, reducing disturbance, and it is separated from the main house by over 20 metres. This distance, together with the boundary treatments is sufficient to mitigate and minimise noise and light pollution impacts to an acceptable level.

- 9.15. Additional concerns have been raised that the site is overdeveloped and will be sold, rented separately from the main dwellinghouse. There is also a concern raised that an approval will create a precedent for development of two residential dwellings on the land. As noted above, the building cannot be used as a separate dwelling without planning permission being granted. Further, a condition is recommended removing 'permitted development' rights for further outbuildings, gates, walls and fences at the rear of the property to ensure that the outbuilding is for annex use only. This would ensure that the use of the outbuilding remains appropriate and retains a dependency on the principle house.
- 9.16. It is not considered that the proposal will have any significant detrimental impact on the amenities of local residents in accordance with Brighton & Hove City Plan Part Two policy DM20 and SPD12 guidance.

## **10. OTHER MATTERS**

- 10.1. Concerns have been raised that the outbuilding is too close to the boundary with regards to ownership, however, Party wall agreements are a private matter between the homeowners and unfortunately not a material planning consideration in this context.
- 10.2. Concerns have been raised by residents that the outbuilding would create more traffic and parking pressure on the close. The application site has a garage and long drive way and as the outbuilding will only be used by the current residents it will unlikely have any impact on the traffic and highway amenity of the residents of Meadow Close.

## **11. BIODIVERSITY/CLIMATE CHANGE**

- 11.1. Concerns were raised during neighbour consultation that trees and hedges had been removed by the applicant to build the outbuilding. Searches have confirmed that none of the trees had protection orders and the applicant was able to lawfully undertake these works. Site photos show that trees and hedges have been retained on the boundary behind the outbuilding.

## **12. EQUALITIES**

None identified



# **ITEM H**

**St Marys Church, Surrenden Road  
BH2022/02281  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**





# BH2022/02281 St Marys Church, Surrenden Road



N



**Scale: 1:1,095**



<b><u>No:</u></b>	<b>BH2022/02281</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>St Marys Church Surrenden Road Brighton BN1 6PA</b>		
<b><u>Proposal:</u></b>	<b>Change of use of part of the building from church pastoral centre (F.1) to nursery (E).</b>		
<b><u>Officer:</u></b>	Ayscha Woods, Tel: 292322	<b><u>Valid Date:</u></b>	14.07.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	08.09.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	14.10.2022
<b><u>Agent:</u></b>	Parker Dann S10 The Waterside Centre North Street Lewes BN7 2PE		
<b><u>Applicant:</u></b>	Mr Gareth Zaver St Marys Church Surrenden Road Brighton BN1 6PA		

## 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 Plan	SP-0339.01	-	14 July 2022
Proposed Drawing	SP-0339.02	-	14 July 2022
Proposed Drawing	SP-0339.05	-	14 October 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. Notwithstanding the provision of Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) the unit hereby approved shall be used as class E (f)(Nursery) only, and shall not be used as Class E (a, b, c, d, e or g) (or any other purpose in any provision equivalent to Class E in any statutory instrument revoking and re-enacting the Order with or without modification).

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

4. The outdoor rear play area shall be used for play purposes, and only between 09:30 to 12:00 and 14:30 to 17:00 hours Monday-Friday, and not any time on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
5. Within three (3) months, the approved cycle parking facilities and buggy store shown on the approved plan SP-0339.05 received on 14th October 2022 shall be fully implemented and made available for use. The cycle parking/buggy store 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 CP9 of the City Plan Part One and SPD14 Parking Standards.
6. Within three (3) months, a Noise Management Plan shall be submitted in writing to the Local Planning Authority, detailing the measures to be taken to minimise the noise impact of the use of the rear garden area, and the drop off and collection process. The approved Noise Management Plan shall thereafter be implemented in strict accordance with the agreed details.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system again seen at railway stations where appropriate. Also, where appropriate provision should be made for tricycles, reclining cycles and 'cargo bikes'

## 2. SITE LOCATION

- 2.1. The application site relates to St Mary's Church which is located on the corner of Preston Drove and Surrenden Road, in the Withdean ward of the City. The site is close to the north-eastern entrance to Preston Park, and opposite the Park View public house.
- 2.2. The Church is located in the Preston Park Conservation Area and is a Grade II Listed Building, however, the listing details set out by Historic England clearly show that the listing applies only to the older original part of the building. The newer additions, including the extension in which the nursery would be located, are not included. It states: "Structures attached to or within the curtilage of the listed building are not to be treated as part of the listed building".
- 2.3. There is an Article Four Direction in place within the Conservation Area removing 'permitted development' rights, but it relates to works being carried out to alterations to windows and doors, and other changes to dwellings and is not applicable to this scheme.
- 2.4. The site relates specifically to the Cassidy Centre, a single storey structure of modern design erected at the rear of the main church building which was approved in 2006 and opened in 2007. It is accessed by a path that runs down the north side of the church and is set behind a secure gate.

### **3. RELEVANT HISTORY**

- 3.1. **BH2005/06823** - Proposed extension to provide new pastoral centre - Approved - 10/04/06
- 3.2. **BH2002/00811/FP**: Replacement of hardwood windows with brown uPVC double glazed - Approved - 20/06/02
- 3.3. **BH2000/02775/FP** - Installation of a 7m flagpole mast with three integral cross polar antennae and large equipment cabin with ancillary development - Approved - 1/2/2001
- 3.4. **BH1999/01850/FP** - Illumination by flood lighting of west face of church tower - Approved - 20/10/1999

### **4. APPLICATION DESCRIPTION**

- 4.1. This application is seeking permission for a change of use of part of the building from a church pastoral centre (Use Class F1) to nursery (Use Class E). The change of use relates solely to a part of the Cassidy Centre, not the church itself.
- 4.2. The proposal seeks to change the use of part of the Cassidy Centre and its exterior garden to allow for its use as a nursery. The plans submitted indicate that one room within the Cassidy Centre would be occupied by the nursery, in addition to the atrium, kitchen and toilet. The remaining rooms, such as the meeting and interview rooms would remain in uses associated with the church.

- 4.3. There is a long-established history of playgroups/preschool children being present on the site. No physical alterations to the exterior of the building are proposed.

## 5. REPRESENTATIONS

- 5.1. Ten (10) letters have been received objecting to the proposed development on the following grounds:
- Additional traffic / impact on parking
  - Adverse effect on listed building
  - Detrimental effect on property value
  - Noise impact
  - Residential amenity
  - Other nurseries in local area
  - Poor design
  - Child protection concerns
- 5.2. Eight (8) letters have been received supporting the proposed development on the following grounds:
- Positive public benefit
  - Education space
  - Most people would walk to the site
  - Help meet the demands of nursery spaces
  - Family friendly area
  - Safe/secure environment
  - Site already in use

## 6. CONSULTATIONS

- 6.1. **Heritage:** No objection  
St Mary's Church is mostly significant for the external gothic revival church. The more modern extension is of minor significance, and the proposed development should not require any substantial alteration being made to that part of the building. For this reason, there is no objection to the change of use on conservation grounds.
- 6.2. **Planning Policy:** No objection  
The partial loss of floorspace resulting from the change of use from F1(f) to a community use within class E(f) is supported in principle, in accordance with policy DM9, subject to other DM considerations including compatibility with adjoining and nearby uses.
- 6.3. If the application is permitted, planning conditions should be applied to limit the use of the area used for nursery purposes as 'community uses' within Class E (such as E(f)) in order to prevent the use of this part of the building for Class E commercial uses, such as shops, food and drink outlets etc.

- 6.4. **Environmental Health:** No objection subject to condition  
It is clear from the planning statement that a nursery has operated from the site for some time and through checking departmental complaint records, it would appear that to date, no noise complaints have been received by the Environmental Health department. It is noted that a new provider is to host the nursery. It is also apparent that children will not be outside all of the time and unsupervised. The outdoor area management plan states that the local park is also favoured in terms of outdoor space and this demonstrates that the operators are aware of the impact that children can have in a residential setting.
- 6.5. Not all children will play outdoors at once, as they will be separated by age and activities, and core hours have been stated for the garden when external play might occur. These are 09:30 to 12:00 and 14:30 to 17:00 hours. It is relevant to note that the nursery operates only during weekdays and only in term time.
- 6.6. Given the site history and the information presented, Environmental Health has no objections to the proposal subject to two conditions, namely requiring a Noise Management Plan for the outside area, and a restriction on the hours of use of the outdoors garden area.
- 6.7. **Sustainable Transport:** No objection - Further comment received 27/10/22  
As stated within the first response, the Local Highway Authority (LHA) has no objections to this application, subject to the inclusion of a cycle parking condition. Following the original comment provided, the applicant has prepared a drawing (SP-0339.05 - St Marys Church Brighton - Cycle Store), which shows the location of a proposed cycle and buggy store for the proposed development, in response to the LHA's first response. The cycle store is situated within a hardstanding courtyard, and whilst it has open access (no doors/gates), the access gates into the courtyard can be secured/locked. The proposed covered cycle store provides two Sheffield stands, accommodating four bicycles and space to park scooters and buggies, which is welcomed by the LHA and considered accepted.
- 6.8. There are no further outstanding highway issues subject to the implementation of the proposed cycle and buggy store.
- 6.9. **City Early Years:** No Comment received

## 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

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)

- Brighton & Hove City Plan Part Two (adopted October 2022);
- 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).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

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

SS1 Presumption in Favour of Sustainable Development  
 CP9 Sustainable transport  
 CP10 Biodiversity  
 CP15 Heritage

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

DM9 Community Facilities  
 DM20 Protection of Amenity  
 DM26 Conservation Areas  
 DM27 Listed Buildings  
 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 the development, impact on amenity of neighbouring properties, sustainability, and related traffic implications.
- 9.2. 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.
- 9.3. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.4. It should however be noted that no external alterations are proposed as part of the present application, though a cycle/buggy store would be secured by condition.

#### **Principle of Change of Use:**

- 9.5. The operation of the day nursery is not associated with the church, so is not considered to be ancillary to its use. It would therefore be a material change of use or a mixed use requiring consent. The existing use of the building as a church falls within Use Class F1(f) and Nursery Use within Class E (commercial, service and business). Prior to the most recent amendments to the Use Classes Order on 1st September 2020 both operations were previously within the same



use class D1. Therefore whilst it is noted that the site has been used to operate a nursery in previous years, given that the nursery is not an ancillary operation of the church, the cessation of the nursery use for a period (including during the Covid 19 pandemic) and the changes to the Use Classes Order planning permission is now required for a resumption of the use.

- 9.6. The proposed plans offer a broadly similar internal layout to that existing. The majority of the building would still be used as a Church (F1) and both the existing and proposed uses are considered to be community facilities. The proposed use is similar to the existing, with a community use retained on the site, and therefore is not in conflict with policy DM9 of the Brighton and Hove City Plan Part 2.
- 9.7. Notwithstanding the above, the applicant has confirmed that Cassidy Centre currently provides rooms for meetings and community activities, some of which are being retained for such uses. The applicant states the space in the Cassidy Centre is currently under-utilised with extensive periods of being vacant, with the area assigned for the nursery use not in continual use. Furthermore, the applicant has explained that there is sufficient space either within the Cassidy Centre or within the main church to cater for these uses when required.
- 9.8. The applicant has also confirmed that the operational needs of the church will not be impacted by the partial loss of floorspace.
- 9.9. The aims and objectives of policy DM9 are therefore considered to be met and the change of use from F1(f) to a community use within class E(f) is supported in principle.

Proposed Nursery Use:

- 9.10. The proposed nursery use would fall under use Class E(f). Approximately half of the Cassidy Centre is proposed to be used as a nursery. The provision of new nursery facilities is supported by City Plan Part Two policy DM9.
- 9.11. The main thrust of these policies are brought forward into policy DM9 which supports new community facilities where:
- a) the proposed use is compatible with adjoining and nearby uses;
  - b) the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and
  - c) where feasible and appropriate, community facilities are co-located to maximise accessibility.
- 9.12. The site is considered to be in an accessible location and close to the community it would serve, meeting the requirements of DM9(b). Although the applicant states the church building previously contained a nursery use up until 2019 it remains important to consider whether the proposed use will be compatible with adjoining and nearby uses, particularly adjacent residential dwellings which is discussed in the amenity section of this report.
- 9.13. In this instance, it is considered appropriate to recommend a planning condition to limit the use of the area used for nursery purposes as 'community uses' within Class E (such as E(f)) in order to prevent the use of this part of the the building

for Class E commercial uses, such as shops, food and drink outlets etc where very different considerations and impacts may apply.

**Heritage Impact:**

- 9.14. The property is Grade II listed and falls within the Preston Park Conservation Area. St Mary's Church is mostly significant for the external gothic revival church and. The late C20 presbytery extension is of minor significance, and the proposed development would not require any external alterations to the building, though a cycle/buggy store would be secured by condition. For this reason, the heritage team has raised no objection to the change of use on conservation grounds. The scheme is not considered to harm the wider conservation area. It is therefore considered in accordance with policies DM26 and DM27 of the City Plan Part One.

**Impact on Amenity:**

- 9.15. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.16. The proposed change of use could result in different impacts to that of the existing use, particularly in terms of noise from children playing in external spaces.
- 9.17. The site is located in close proximity to neighbouring residential properties. It is noted that the garden area was previously used by the former nursery. Compared to the existing use of the building, it is unlikely that the proposed change of use would give rise to a noise increase or disturbance significant enough to warrant refusal of this application. However, it is noted that noise concerns have been raised as objections to the application.
- 9.18. As with any nurseries, the sounds generated from children playing outdoors is very subjective and can be a cause of complaint to the City Council so will require careful management on a day to day basis to prevent unacceptable harm to amenity. It is stated in the submission that the site would accommodate up to thirty children from 3 months to 5 years of age, but given this age range, they will use external spaces to play in different groups rather than all at once.
- 9.19. The new operator "Little Shoes" states that it is their intention to keep nursery numbers small, and this is likely to have a knock on effect on the number of children and indeed adults employed at the site to supervise the children, especially when outdoors. It is clear from the Planning Statement that a nursery has operated from the site for some time and through checking departmental complaint records, it would appear that to date, noise complaints have not been received by the Environmental Health department. It is also apparent that children will not be outside all of the time or unsupervised at any time.
- 9.20. The Outdoor Area Management Plan supplied as part of this application notes that the local park is also favoured in terms of outdoor space and therefore sole reliance on the garden space at the premises is not expected to occur. The

Management Plan also identifies that children will be supervised at all times when playing outside and that respect for the community is a core value for the operation. Additionally it provides further information on the daily routine showing that external noise, should it occur, would be limited to specific time periods.

- 9.21. Notwithstanding the submitted information, in order to suitably mitigate against potential harmful impacts upon residential amenity it is recommended that two conditions imposed, one requiring an ongoing Noise Management Plan to identify methods and measures to reduce noise impact and mitigate against unnecessary disturbances at the beginning and end of the day pick ups and drop offs, and another to limit the hours of use of the outside space, as is the case with other local nurseries.
- 9.22. On this basis and subject to conditions no significant harm to the amenities of existing/future residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with policy DM20 and DM40 of the Brighton and Hove City Plan Part Two.

**Sustainable Transport:**

- 9.23. The Highway Authority considers the scheme to be acceptable subject to condition for the provision of cycle, and buggy and scooter parking.
- 9.24. The site is in the Key Public Transport Corridor and is therefore considered to generally have very good access/connectivity to public transport services and cycle routes.
- 9.25. The area in front of St Mary's Church can be used for short-term parking (i.e., drop-off and pick-up activity associated with the site).
- 9.26. Given the expected operational hours of the proposed nursery site, it is not anticipated that there will be conflicting demand for the area in front of the church site. Furthermore, the proposed nursery's drop-off and pick-up peak periods are expected to occur outside of on-street parking restriction periods, and so parents/carers/guardians could park on-street whilst dropping-off/picking-up nursery pupils.
- 9.27. Throughout the course of the application, the applicant submitted proposed cycle parking and a buggy store. The LHA have confirmed this is acceptable and its implementation would be secured by condition.

**Sustainability:**

- 9.28. Policy CP8 of City Plan Part One requires non-residential development to meet BREEAM Excellent Standard. However, as a conversion within an existing building, these standards do not apply in this instance.
- 9.29. Policy CP8 also requires all development to demonstrate various sustainability measures including climate change mitigation, emission reduction, energy and fabric efficiency, provision of renewable energy technology. Given there are no external alterations and relatively minimal internal alterations, the proposal

presents few opportunities for sustainability enhancements. The reuse of the existing building is considered to be an efficient use of the site.

- 9.30. The conditions requiring details of cycle parking storage and a Travel Plan will ensure sustainable travel to and from the site, and therefore reducing carbon footprint of students and other users of the education use.

**Waste Management:**

- 9.31. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location of waste storage has been shown through photographic evidence throughout the course of the application and is considered acceptable.

**10. CLIMATE CHANGE/BIODIVERSITY**

- 10.1. The proposed works would allow for continued community use of the existing building and reducing the need for more intensive development elsewhere. The site is within a highly sustainable location with regards to public transport and cycle parking is proposed to encourage travel by means other than private motor vehicles. The site is not designated for nature conservation interest and there are unlikely to be any harmful biodiversity impacts.

**11. EQUALITIES**

- 11.1. The Cassidy Centre has disabled access and a disabled parking space immediately outside of the building, with level access to the rear area.

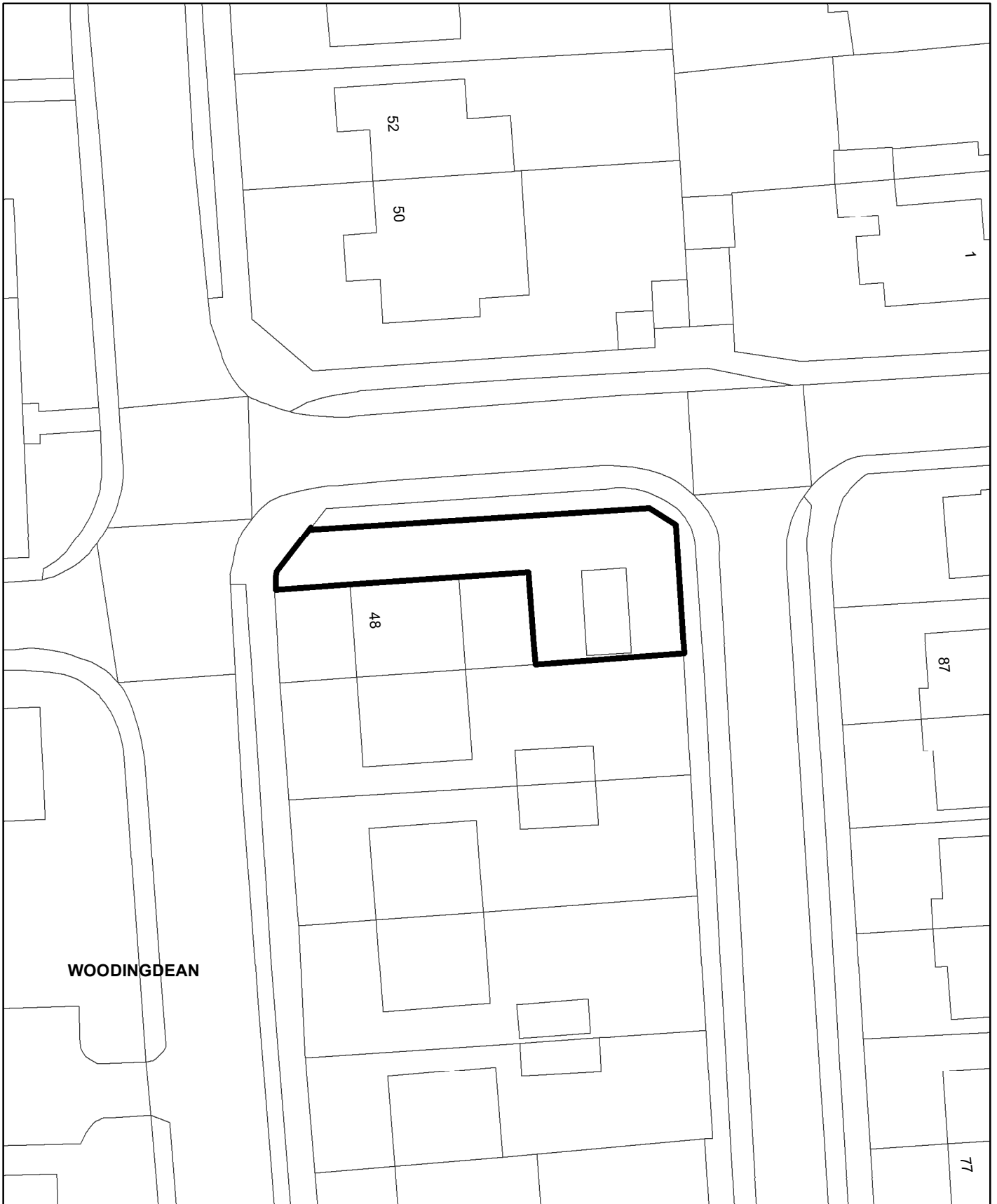
# **ITEM I**

**Land to the Rear and Side of  
48 Lockwood Crescent  
BH2022/02956  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**



# BH2022 02956 - Land To The Rear And Side Of 48 Lockwood Crescent



WOODINGDEAN

N



Scale: 1:411





<b><u>No:</u></b>	<b>BH2022/02956</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>Land To The Rear And Side Of 48 Lockwood Crescent Brighton BN2 6UG</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey two bedroom dwelling (C3) adjoining existing house, with associated works.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	20.09.2022
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	15.11.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Mr Russell Glover 53 Friar Crescent Brighton BN1 6NL		

## 1. RECOMMENDATION

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

1. The building, by reason of its positioning on a prominent corner plot, and its site coverage, would be notably incongruous within this suburban area and significantly harmful to the spacious character of the neighbourhood. The scheme represents overdevelopment of the site, close to its boundaries, resulting in a cramped appearance, contrary to Policies SA6, CP12 and CP14 of the Brighton and Hove City Plan Part One.
2. The proposed scheme represents an overbearing and unneighbourly form of development which would result in an unacceptable sense of enclosure and loss of outlook for residents of 48 Lockwood Crescent, as well as unacceptably reducing the outdoor amenity space available to this three-bed dwelling, contrary to policies DM1 and DM20 of the City Plan Part Two.
3. The outlook and natural light available to bedrooms within the proposed dwelling would not be sufficient to provide an acceptable standard of accommodation for future occupiers. In addition, insufficient usable outdoor amenity space would be provided to serve the proposed three-bedroom family dwelling. The proposal is therefore contrary to policies DM1 and DM20 of the 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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	0001		20 September 2022
Block Plan	0102		20 September 2022
Proposed Drawing	0110		20 September 2022
Proposed Drawing	0111		20 September 2022
Proposed Drawing	0131		20 September 2022
Proposed Drawing	0132		20 September 2022
Proposed Drawing	0133		20 September 2022
Proposed Drawing	0134		20 September 2022
Proposed Drawing	0135		20 September 2022
Proposed Drawing	0136		20 September 2022
Proposed Drawing	0137		20 September 2022
Proposed Drawing	0138		20 September 2022
Proposed Drawing	0141		20 September 2022

## 2. SITE LOCATION

- 2.1. This application relates to a plot located on the corner of Nolan Road (to the north), Lockwood Crescent (to the west), and Batemans Road (to the east), forming the side and rear garden of 48 Lockwood Crescent, a two storey, semi-detached single dwellinghouse with a pitched roof. The rear part of the site contains a single detached garage and has been separated from the main garden of no.48 by closed boarded fencing. Ground levels slope upwards from west to east, with Batemans Road set higher than Lockwood Crescent.
- 2.2. Lockwood Crescent predominantly consists of two-storey semi-detached houses, and the prevailing character of the area is strongly suburban, with spacious street scenes comprised of planned uniform plots with consistently generous gardens. Corner properties benefit from additional spaces between buildings and side boundaries. This is also strongly expressed on the Nolan Road and Batemans Road street scenes. Opposite the site is Lockwood Close, a series of blocks of three storey flats.

## 3. RELEVANT HISTORY

- 3.1. **BH2021/04358** - Erection of a single storey three bedroom attached dwelling (C3) and associated works. Refused 01.04.2022 for the following reasons:
1. *The building by reason of its positioning on an important and prominent corner plot, and its site coverage, would be notably incongruous within this suburban character of the area and significantly harmful to the spacious character of the neighbourhood. In addition, the works would appear as an overdevelopment of the site and due to the close proximity to the site boundaries it would appear crammed-in. The former side garden of 48 Lockwood Crescent is not considered suitable as a plot for a new dwelling.*

*The proposal is therefore contrary to Policies SA6, CP12 and CP14 of the Brighton and Hove City Plan Part One.*

2. *The proposed scheme represents an overbearing and unneighbourly form of development, which would impinge on the garden boundary of 48 Lockwood Crescent. The development would result in a significant sense of enclosure for the occupiers of this property contrary to policy QD27 of the Brighton and Hove Local Plan and DM20 of the submission City Plan Part 2.*
3. *The bedrooms within the proposed dwelling, would not have sufficient outlook or natural light, and two would have limited floor area, thereby providing a poor standard of accommodation for future occupiers. In addition, insufficient usable outdoor amenity space would be provided to serve the proposed 3-bedroom family dwelling and the remaining rear garden area for no. 48 would be very constrained to serve the existing 3-bedroom family dwelling. The proposal is therefore contrary to Policies QD27 and HO5 of the Brighton and Hove Local Plan and policy DM1 of the emerging City Plan Part Two.*

3.2. **BH2020/02875** Erection of a single storey three bedroom attached dwelling (C3) and associated works. Refused 26.03.2021 for the following reasons

1. *The proposed self-contained dwelling, by reason of its positioning on an important and prominent corner plot, and its site coverage, is considered to be substantially incongruous with and harmful to the prevailing spacious character of the neighbourhood, thereby failing to maintain a coherent townscape. In addition to its cramped appearance, it would overdevelop this site given the resultant increase in density. The proposal is therefore contrary to Policies SA6, CP12 and CP14 of the Brighton and Hove City Plan Part One.*
2. *The bedrooms within the proposed dwelling, by reason of their windows being positioned close to a tall boundary fence, would not have sufficient outlook or natural light, and two would have limited floor area, thereby providing a poor standard of accommodation for future occupiers. In addition, insufficient usable outdoor amenity space would be provided to serve the proposed 3-bedroom family dwelling and the remaining rear garden area for no. 48 would be very constrained to serve the existing 3-bedroom family dwelling. The proposed dwelling would also result in loss of outlook and sense of enclosure for the occupiers of no. 48 given the proximity of the proposed dwelling to the boundaries and limited garden space to that property. The proposal is therefore contrary to Policies QD27 and HO5 of the Brighton and Hove Local Plan.*

3.3. **BH2017/02254** Erection of two storey side extension with extension to roof over. Demolition of single garage and erection of double garage to rear. Refused 1 September 2017 because the proposed development, by reason of its positioning on an important spacious corner plot, is considered to be overly prominent within the locality and an overdevelopment of the site which would be detrimental to the open character of the area. In addition, the proposed side

extension, by reason of its overall scale, hipped roof and projection beyond the rear building line relates poorly to the host building. The proposal is therefore contrary to policy QD14 of the Brighton and Hove Local Plan.

- 3.4. Pre-application advice (PRE2017/00047) and advice was issued on 15 May 2017 as follows:
- The proposed development remains unacceptable given the similarities with previous schemes and the failure to address reasons for refusal, with the proposed outbuilding resulting in the site appearing further cramped and overdeveloped by virtue of the cumulative ground coverage;
  - The application does not address the second and third reasons for refusal of BH2011/02798, and it exacerbates the overbearing impact on no. 48 Lockwood Crescent and compounds the overshadowing of the front rooms in the proposed dwelling;
  - The amount of off-street parking would be acceptable, but cycle parking has not been shown; and
  - In summary, previous planning refusals indicate that the proposal to construct an additional dwellinghouse in this location is unacceptable in principle.
- 3.5. **BH2011/02798** : Erection of two storey 2no bed house adjoining 48 Lockwood Crescent. Refused 8 November 2011
- 3.6. **BH2010/03839** : Erection of 2no storey, 2no bedroom house adjoining 48 Lockwood Crescent. Refused 6 April 2011
- 3.7. **BH2007/00282**: Erection of a two storey end of terrace house. Refused 13 April 2007 and appeal dismissed 21 November 2007

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

- 4.1. The current application seeks the erection of a single storey three bedroom dwelling (Use Class C3) attached to the side of 48 Lockwood Crescent and extending to the rear, with associated works. The application follows the refusal of a range of previous applications for development of this area (see planning history above).

#### **5. REPRESENTATIONS**

- 5.1. A letter of representation supporting the scheme has been received from Councillor Dee Simpson and is attached.

#### **6. CONSULTATIONS**

Internal:

- 6.1. **Transport** : No Objection subject to the inclusion of the necessary conditions and informatives:

- Reinstatement of Redundant Vehicle Crossing
- Cycle Parking Scheme

External:

6.2. **Southern Water: Comment**

A public sewer could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before works continue on site.

**7. MATERIAL CONSIDERATIONS**

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- 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)

**8. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA6	Sustainable Neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP14	Housing density

Brighton & Hove City Plan Part 2:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage

DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

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

**9. CONSIDERATIONS & ASSESSMENT**

9.1. The main considerations in the determination of this application relate to the principle of development, the design and impact on the character and appearance of the area, the impact on neighbouring amenity, the standard of residential accommodation and the impact on the highways network.

**Principle of 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. 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).

9.3. The provision of a single dwelling would make a welcome, albeit minor contribution to the city's housing supply.

Design and character and appearance

9.4. Policy CP12 of the Brighton and Hove City Plan Part One sets out the design criteria for applications of this nature. This policy requires proposals to raise the standard of architecture and design and respect the character of the city's identified neighbourhoods. The NPPF states that good design is a key aspect of sustainable development, and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings. The new dwelling must respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan.

- 9.5. The concept of the proposal follows that of the previously refused scheme (BH2021/04358) as a single storey side building attached to the northern elevation of 48 Lockwood Crescent. The length of flank of the building has been reduced by approximately 1.5 metres from the previous application and would now extend approximately 16m in length parallel to the side boundary fence. A gap of at most 1 metre would remain between the dwelling and the northern boundary fence to Nolan Road. The building would be set back by 500mm from the front elevation of 48 Lockwood Crescent. This is similar to the previously refused scheme.
- 9.6. The Local Planning Authority have been clear and consistent in the assessment of development of the former garden space of this property. Previous applications (both for side extensions and for new dwellings) highlighted that the concerns around infilling the space between the property and boundary with Nolan Road and overdeveloping the site.
- 9.7. It is clear that the proposed dwelling would once again be sited close to the boundary and infill the majority of the space between no. 48 and Nolan Road. Only one of the four previous refused applications was appealed (ref. APP/Q1445/A/07/2051151). In this appeal the Inspector raised opinion: "This vacant side space contributes to the overall feeling of spaciousness in the area, and I saw other similar examples of spaces at corners which contribute to this pleasant character. If this space were filled as intended, this character would be harmed, and the effect would be apparent from Nolan Road and parts of Lockwood Crescent and possibly Batemans Road." It was concluded that "the proposal would constitute an overdevelopment of the site which would prejudice the character and appearance of the area by harming spaciousness."
- 9.8. Further to the above, it is noted that no other new 'infill' residential properties have been approved on any similar corner plots within the immediate locality. The spacious and open garden form of these corner properties, in particular contribute to the character of this immediate area. As such, using most of this plot for a self-contained residential unit would be incongruous and harmful to the prevailing spacious character of this neighbourhood. It is considered it would result in an overly cramped form of development and for this reason, there remains an objection to developing the former garden to provide a separate self contained dwelling.
- 9.9. Turning to the specific design of the proposal, the key design difference between this proposal and the previous proposal is that the length of the flank along Nolan Road has been reduced by approximately 1.5 metres and a flat roof is now proposed for this element of the development. Plans show this is to be a sedum roof. The second key difference is the introduction of two inset 'open courtyards' adjacent to the bedrooms to provide additional outlook and light which slightly reduces the building mass. The site would be excavated, and the height of the flat roof would mostly be below that of the side boundary fence. The combination of these elements would make the development less visually intrusive than the previous scheme, although the significant excavation required is another indication of the building failing to respond to the site characteristics. As with the previous scheme, the rear element of the proposal is for a mono-pitched roof

which would terminate higher than the flat roof element. This would contain the open plan living area and open out into a rear garden area.

- 9.10. Despite the claims within the application that the sedum roof would make the development undetectable as a new house, it would be visible from public vantage points and is considered to result in an incongruous addition to the neighbourhood. The building would be set down; however it would still be quite prominent and readily viewed, particularly from the higher ground from the east. The amount of site coverage, including hard landscaping from the front building line to the rear fence, would not be characteristic of the locality, and the design, appearance and site coverage would clearly indicate its use as a separate dwelling, not a domestic extension.
- 9.11. The design approach and pallet of materials (zinc and larch screening) would give the design a modern appearance, which would contrast sharply with brown brickwork, tile cladding and pitched roofs of the 1970s housing. Good modern design is acceptable in some instances, but in this case cannot overcome the concerns regarding the overdevelopment of the site and the impact on the surrounding area, with the proposed new dwelling appearing out of character with the suburban grain of this area of Woodingdean.
- 9.12. In summary, whilst it is recognised that the proposed dwelling would contribute to the Council's housing target, and which must be given weight in favour of the development, the benefits of a single unit towards the housing target are not considered to outweigh the significant harm that has been identified to the character of the immediate locality. The introduction of a new dwelling to this garden adjacent to 48 Lockwood Crescent would be highly detrimental to the prevailing character of the area. As recognised in the numerous previous applications, and in a previous assessment by the Planning Inspectorate, the excessive level of site coverage is inappropriate and as such, the proposal is contrary to Policies SA6, CP12 and CP14 as well as NPPF paragraphs 124 and 127.

**Proposed Standard of Accommodation:**

- 9.13. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These space standards have now been formally adopted into the Brighton & Hove City Plan Part Two Policy DM1 and, as such, they can be given full weight.
- 9.14. It is noted that there are some minor differences between this scheme and the previously refused scheme BH2021/04358, most notably one of the bedrooms being replaced with a 'study'. The garden is also slightly varied by way of a revised landscaping arrangement.
- 9.15. The two bedroom, three person dwelling over a single storey with a Gross Internal Area (GIA) of 79sqm is overall compliant with the NDSS GIA minimum requirement of 61sqm . Whilst the size of the main double bedroom is sufficient (12.6sqm) as is bedroom 2 (9sqm), the size of the study (6.5sqm) would be too



small to ever be considered a bedroom as it falls below the 7.5 minimum required. The open plan living area is considered to be a good size.

- 9.16. There is however concern about the fenestration within the bedroom wing of the proposed dwelling, all three habitable rooms feature north-facing windows looking straight at a boundary fence which would be higher than the windows themselves. Given that the fence is, at most, 95cm away, all three rooms would suffer from poor outlook and natural light, from these windows. The standard of accommodation, particularly in terms of outlook is considered poor and symptomatic of an overdevelopment of the site. It is further noted that were the fence not there then there would be privacy concerns for future occupiers of the proposal and there is no option to switch the windows to the other side due to the 48 Lockwood Crescent adjoining the dwelling.
- 9.17. Policy DM1 of CPP2 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. Two external amenity spaces are provided for the new dwelling in the form of a small front garden and a rear garden. They are however far smaller than amenity space you would expect for the suburban location. As discussed above, the limited amount of garden space in relation to the building is uncharacteristic for the area.

**Impact on Neighbouring Amenity:**

- 9.18. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.19. A site visit has not been undertaken in this instance however, the impacts of the proposal can be clearly assessed from the plans provided and from recent site photos.
- 9.20. The main impact on the proposal would be on 46 and 48 Lockwood Crescent, although the development would be visible across the road from no. 50 and visible from several other properties. Any overshadowing and loss of sunlight resulting from the proposed dwelling would be to the north, so either to its own gardens or to the highway, and therefore no harm would arise. In terms of daylight, it is not expected that the proposal would have such an adverse impact that it would warrant refusal of this application.
- 9.21. Regarding privacy, the bedroom 'wing' north-facing windows would all face a fence and therefore do not provide any opportunities for overlooking. All other windows and doors face onto the proposed dwelling's external amenity space and are sited an appropriate distance from surrounding properties to prevent any significant harm.
- 9.22. The development would have the most impact on the occupiers of no. 48 Lockwood Crescent. The formal sub-division of the rear garden and erection of a new dwelling would reduce outlook from the ground floor windows and doors to the rear elevation and would have a significant increased sense of enclosure

on this property. It is noted that plans show that the depth of the rear garden of no. 48 would be 'enlarged by 1m' by moving the existing boundary site to the rear. It is not clear when the rear part of this garden area was annexed from the main house.

- 9.23. Whilst enlarging the existing garden of no.48 in this manner would be a benefit to the occupiers of the property, given the proposal is for a wrap-around building which would occupy almost the whole length of the northern and eastern boundaries of the rear garden, it would result in an unacceptable sense of enclosure which would not be off-set by moving the fence by 1.5 metres. The proposal would therefore be contrary to policy DM20 causing significant harm to the occupiers of this property.
- 9.24. The new dwelling would invariably result in additional comings and goings to this site. With access in to the site by pedestrians only, this is not considered to result in any materially adverse impact in respect of noise and nuisance caused to neighbouring residential properties to warrant refusal. As such, this aspect of the proposal complies with Policies DM20 and DM40.

#### **Highways:**

- 9.25. The application proposes a car-free development. Due to its suburban location, the site is not particularly well-served by public transport although there are bus stops between a four and a 10 minute walk away, served by three bus routes (nos. 2, 22 and 72A). It is generally considered future occupiers would be mostly reliant on their own motor vehicle.
- 9.26. The Woodingdean neighbourhood is not covered by a Controlled Parking Zone (CPZ) and therefore vehicles can park on-street. It is considered that any overspill parking generated by the new house would not lead to an adverse impact on the current parking situation or significantly increase trip generation on the local highway network.
- 9.27. In terms of cycle parking, the minimum required by SPD14 is two spaces. A store is proposed, and further details would have been secured by condition had this application been found to be otherwise acceptable.
- 9.28. The development would result in the loss of the previous garage on the site and the Highways Team have requested that the redundant crossover should be removed, and footway reinstated for the benefit of all a highway users and this would need to be secured by condition. Direct pedestrian access would be provided to the proposed dwelling from Nolan Road, which is considered acceptable.

## **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 £6,131.59.

## **11. CONCLUSION**

- 11.1. As previously, it is considered that the introduction of a new dwelling in this location would be incongruous with and would jar with the prevailing open and spacious character of this neighbourhood, thereby failing to maintain a coherent townscape. The proposal would appear cramped within the plot and is considered an overdevelopment of this site. The proposed dwelling would also provide a poor standard of accommodation and would compromise the amenity of the existing dwelling at no.48 Lockwood Crescent.
- 11.2. As such, it is contrary to Policies SA6, CP12, CP14, DM1 and DM20 as well as paragraphs 124, 127 and 130 of the NPPF. The adverse impacts of approving this application would significantly and demonstrably outweigh the benefits of providing a single housing unit, when assessed against the policies in the NPPF taken as a whole. As such, this application is recommended for refusal.

## **12. EQUALITIES**

- 12.1. Ramped access is proposed from both pedestrian entrances, allowing it to be accessible to wheelchair users and those with a mobility-based disability.

## **13. BIODIVERSITY AND CLIMATE CHANGE**

- 13.1. The proposed works would create a new dwelling within an existing garden area. The garden, in a suburban location, is unlikely to have any intrinsic biodiversity value and the development would make a more efficient use of the site.
- 13.2. The sustainability statement indicates the use of modern materials and efficient building techniques and the use of a sedum roof. The proposal would utilise microgeneration technology through solar panels.
- 13.3. Had the development been considered acceptable. bee and swift bricks could be secured by condition to enhance biodiversity outcomes for the site and a condition to meet sustainability standards for water and energy efficiency.





PLANNING COMMITTEE LIST

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

**Cllr. Dee Simson**

**BH2022/02956 – Land To The Rear And Side Of  
48 Lockwood Crescent**

**12th October 2022:**

I am writing to support this development that will provide an additional much needed residence to Woodingdean.

The applicant has made several previous attempts to develop this difficult site with no success but feels he has now dealt with the previous reasons for refusal.

As yet I have had no communication from nearby residents objecting so I would ask that you take my letter into consideration when making your decision and should you be minded to refuse the application, I ask that it be moved to the planning committee to make the final decision following a site visit.



# **ITEM J**

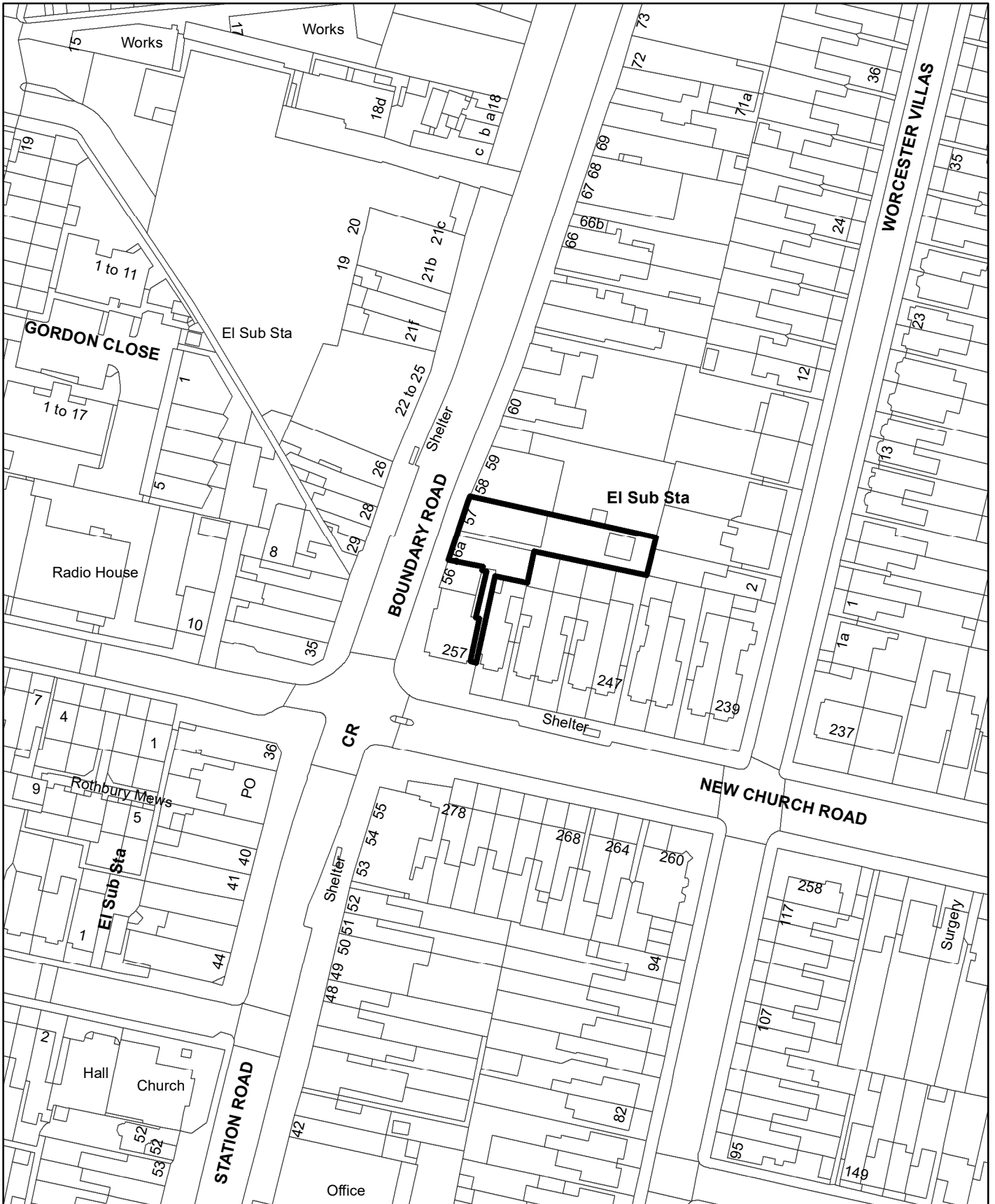
**56 - 57 and 56A Boundary Road  
BH2022/02433  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**





# BH2022 02433 - 56-57 And 56A Boundary Road



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/02433</b>	<b><u>Ward:</u></b>	<b>Wish Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>56 - 57 And 56A Boundary Road Hove BN3 5TD</b>		
<b><u>Proposal:</u></b>	<b>Erection of second floor extension to create 1no two bedroom flat (C3) above 56A Boundary Road with access from 57 Boundary Road, with associated internal alterations to existing flat.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	15.08.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	10.10.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	08.12.2022
<b>Agent:</b>	Turner Associates 2D St Johns Road Hove BN3 2FB		
<b>Applicant:</b>	Mr Greg Lester 56-57 Boundary Road Hove BN3 5TD		

## 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>
Block Plan	TA 953/20	C	2 November 2022
Proposed Drawing	TA 953/21	A	1 August 2022
Proposed Drawing	TA 953/22	A	1 August 2022
Proposed Drawing	TA 953/23	A	1 August 2022
Proposed Drawing	TA 953/24	E	2 November 2022
Proposed Drawing	TA 953/25	B	1 August 2022
Proposed Drawing	TA 953/26	C	2 November 2022
Proposed Drawing	TA 953/27	C	2 November 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. The relevant external finishes of the development hereby permitted shall be as follows:

- External walls in painted render
- Window and door frames with powder/coated aluminium frames painted/coloured white

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP12 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the Brighton & Hove City Plan Part Two.

4.

- (i) The window servicing the ensuite bathroom on the south elevation shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room the window serves.
- (ii) The window servicing the hall/landing on the west elevation shall be obscure glazed and non-opening.
- (iii) The windows servicing bedrooms 1 and 2 of the dwelling hereby permitted on the west elevation shall be subject to the requirement that the bottom half of each window shall be (a) obscure glazed and (b) non-opening.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

5. Access to the area denoted as 'existing flat roof' outside the bedroom windows of the flat hereby approved shall be for maintenance or emergency purposes only and the area of flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

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

**Reason:** To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.

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

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

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

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with

policies CP8, CP9 and CP13 of the Brighton & Hove City Plan Part One, DM20, DM33, DM35 and DM40 of the Brighton & Hove City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03: Construction and Demolition Waste.

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

**Reason:** To ensure that the development is sustainable and makes efficient use of energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

9. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policies CP9 of the Brighton & Hove City Plan Part One, and DM33 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.  
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.
4. 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.

5. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
7. The applicant is advised to contact [permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) if they wish to suspend parking outside the application site during the delivery and construction period.
8. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
9. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.
10. The new building regulations will come into force for building regulation applications made on or after 15th June 2022. The new requirements will not apply to applications made prior to June 15th, providing building work have commenced before 15th June 2023 on all aspects of the application. This gives 1 year's grace to allow commencement.

## **2. SITE LOCATION**

- 2.1. The application site is a pair of attached buildings on the east side of Boundary Road, near the junction with New Church Road. No.56 and 56A are both two-storey in height, with no.57 being three-storeys. Both buildings are in mixed uses

with commercial uses at ground floor (plus one (C3) flat at the back of no.57) with residential above.

### **3. RELEVANT HISTORY**

- 3.1. **BH2016/01199** Erection of second floor extension to create 1no two bedroom flat (C3) with access from 57 Boundary Road. Approved
- 3.2. **BH2002/02405/FP** Change of use of rear part of ground floor of no. 57 (furniture showroom) and extension and alteration of buildings (involving two storey and three storey extension) to form a total of 6 no. new self-contained flats. Approved

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for an additional storey atop no.56a to create a two-bedroom self-contained flat. Said flat would be accessed via a linkway into no.57; permission is also sought for the minor alterations to the second floor of no.57 including a reduction in the size of one of the existing flats.
- 4.2. The application has been amended during its lifetime. It was noted that the amendments to the layout of the second floor level of no.57 would reduce the area of the front flat on this level below what would be acceptable for a two-bedroom flat, so it is now proposed to be reduced to a single-bedroom flat. A further amendment was sought to reduce one of the bedrooms of the proposed flat (resulting in a three bed-space flat instead of a four bed-space) so the development would have an acceptable impact on the outlook from an existing side bedroom window to the rear flat.
- 4.3. Permission was granted for a very similar development under application BH2016/01199.

### **5. REPRESENTATIONS**

- 5.1. Five representations have been received, objecting to the proposal on the following grounds:
  - The proposed extension is not in keeping with the character of the area
  - Loss of light/overshadowing
  - Loss of privacy
  - The proposed development will be overbearing
  - Noise nuisance from additional residential units
  - Noise nuisance from building works
  - Increased on-street parking pressure
  - Potential fire risk
  - Local residents were not properly notified for application BH2016/01199
- 5.2. One representation has been received, making the following comments on the proposal:

- The comments of the Highway Authority are incorrect with regards to local parking conditions.

## **6. CONSULTATIONS**

### 6.1. Private Sector Housing No Comment

### 6.2. Transport

No Objection. The proposal will result in an increase of trips generated by the site and the existing step-free access route will intensify; however, this level of trips is considered non-material and is not expected to have an impact on the surrounding highway network.

6.3. No car parking is proposed. The site is situated within CPZ L which has an average residential permit uptake of 64% indicating there is still capacity on-street for additional car parking should this be required.

6.4. The proposal does not include cycle parking provision. Cycle parking compliant with Supplementary Planning Document 14: Parking Standards should be secured by condition, in the interests of encouraging and promoting travel by active and sustainable modes.

6.5. Given the site's proximity to a number of bus stops, bus routes, existing residential properties and the fact that it is situated within a busy retail area with relatively high levels of footfall, a Construction Management Plan (CMP) should be secured by condition. The CMP could be in the form of a statement and should provide details of the construction vehicles required, including type and where they will load/unload. If on-street loading/unloading is required, the CMP should confirm whether parking suspension will be required, where materials will be stored on-site and whether the footway width will be impacted by hoarding lines.

## **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 City Plan Part Two (adopted October 2022);
- 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. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

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

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP13	Public Streets and Spaces
CP19	Housing Mix

#### Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

### East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
------	----------------------------------

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents and business-users; and on highway safety.
- 9.2. A site visit has not been undertaken in this instance; however, the impacts of the development can be clearly assessed from the plans and photos provided and from recently taken street-level and aerial imagery of the site.

### Principle of Development

- 9.3. 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 24th March 2021 the

City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. 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.

- 9.4. 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).
- 9.5. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The proposed development would add a single flat to the City's housing stock, though it would require an existing flat to be down-sized from a two-bedroom to a single-bedroom unit. The proposed development would still deliver a net gain of housing at a time when the city cannot demonstrate a five year housing land supply; therefore, it is considered acceptable in principle.

#### Design and Appearance

- 9.7. The proposed development is very similar in appearance to the scheme approved under permission BH2016/01199, which expired in July 2019.
- 9.8. Boundary Road is formed of a fairly even mix of two- and three-storey buildings without much design coherence and from a variety of twentieth century building periods. The existing first floor parapet at no.56A is lower than the adjoining parapet at no.57 (which is topped by a mansard). No. 56 (which 56A adjoins) is the other half of a matching pair. South of 56 is the building on the corner with New Church Road which, like no.57, is two storeys plus mansard. North of no.57, no.58/59 is three storeys (no mansard). Given it that it is set back and within the context as aforementioned it is considered that the development would have an acceptable impact on the streetscene. The additional level of the 'bridge' is set a long way to the rear of the street frontage and would not generally impact on street views.
- 9.9. The proposed external materials for the development include painted render walls and powder-coated aluminium fenestration. It is considered white frames for the fenestration (to match the main building) would be most appropriate. This shall be secured by condition.

#### Impact on Amenities

- 9.10. At the rear of the premises there is a relationship with buildings in both Boundary Road and New Church Road. The nearby nos.251, 253 and 255 New Church Road are wholly residential and there is a flat above 56 Boundary Road. The set-in of the proposed additional storey from the rear boundary, the fact that the application site is to the north of these premises and the partial obscuring of the

rear windows of the proposed flat are considered to minimise potential amenity impacts on residential neighbours and there are not considered to be substantive amenity reasons for refusal in terms of privacy or the development appearing overbearing.

- 9.11. The proposed windows shall be subject to a condition requiring the
- 9.12. Concerns have been raised that the proposed development would cause overshadowing (loss of daylight) to rear gardens of properties east of the application site in the late afternoon/early evening hours. Given the proposed development would not be substantially higher than the adjacent properties (nos.57 and 58, which are both three-storeys in height) it is not considered that the proposal would be significantly impactful in this regard.
- 9.13. Concerns have been raised that the increase in residential density will cause noise nuisance. It is not considered that the additional noise generated by a single residential unit would be significant, particularly in the context of the busy shopping street of Boundary Road. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 9.14. A condition will be attached restricting access to the rear flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in adjacent properties.

#### Impact on the Public Highway

- 9.15. The increase in the number of residential units and lack of off-street parking means the proposed development has the potential to result in overspill parking, though it is considered this would not be on a significant scale. The site lies within Controlled Parking Zone (CPZ) L which has a relatively low permit uptake rate according to the most recent data held by the Highway Authority. It is noted that a local resident has questioned the veracity of the Highway Authority Officer's comments but nevertheless it is considered that any harm caused by overspill parking can be controlled through general management and distribution of resident parking permits, and it would not be reasonable to withhold planning permission on these grounds.
- 9.16. There is cycle parking to the rear of no.57 and it is clarified in the Design and Access Statement that residents of the proposed development will be able to make use of these facilities. Limited details of these facilities have been submitted and it is considered necessary to secured details by condition to ensure that policy-compliant cycle parking is provided.
- 9.17. The site is upon the busy shopping street of Boundary Road that also has bus routes and high levels of pedestrian traffic. The physical development necessary to erect an additional storey has the potential to cause significant disruption to the public highway; it is considered necessary that permission be granted only subject to a condition requiring a Construction Environment Management Plan be submitted to the LPA for approval prior to the commencement of

development. The CEMP can also secure information to mitigate the impact of the development on the amenities of local residents in terms of noise, which was raised as a concern.

#### Standard of Accommodation

- 9.18. 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. These standards have been formally adopted into policy DM1 of the CPP2 and can be given significant weight.
- 9.19. The new residential unit would provide a gross internal area (GIA) of approximately 70.9m<sup>2</sup>. This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 9.20. The proposed flat is laid out as a two-bedroom, three bed-space property, for which the NDSS requires a minimum GIA of 61sm<sup>2</sup>; the proposed development comfortably exceeds this. The layout itself is also considered to be good, with a front terrace (approximately 11.7m<sup>2</sup>) providing some external amenity space.
- 9.21. The existing second floor front flat within no.57 is a two-bedroom, three bed-space property with a GIA of approximately 62.1m<sup>2</sup>. The proposed development would reduce this flat down to approximately 55m<sup>2</sup>. In order to be in compliance with the NDSS, this flat will be reorganised into a one-bedroom, two bed-space property.
- 9.22. The existing second floor rear flat within no.57 has a window servicing 'bedroom 2' which will be impacted upon by the proposed development. Daylight levels are considered to be acceptable within the room, but the development initially proposed the rear part of the proposed additional storey to extend partway across this window. This was not considered acceptable, and amendments were secured. Though the outlook from bedroom 2 will still be detrimentally impacted upon, it is not considered now that it would be to a degree that would justify planning permission being withheld.

#### Other Considerations

- 9.23. Concerns have been raised that the proposed development could constitute a fire risk. Fire safety is a matter that is addressed through Building Regulations and as such a qualified Building Control Body will need to assess the scheme and confirm the proposed development is acceptable in terms of fire safety. It is not therefore necessary for further consideration to be given at the planning stage.
- 9.24. Concerns were raised that during the course of the previous application (ref: BH2016/01199) local residents were not properly consulted upon. Council records indicate that a consultation was carried out in accordance with correct procedure, with all properties that share a site boundary with the application site being posted a letter, and the scheme being advertised online, via a site notice

displayed in the area, and in 'The Leader' local newspaper. It is not considered that there were any procedural mistakes made during this 2016 application and regardless this issue is not afforded any weight in the determination of the current application. It should be clarified that the consultation process for the current application has been carried out correctly and in accordance with Council procedures.

- 9.25. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as swifts. A suitably worded condition will be attached to secure an appropriate number of swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2.

#### Conclusion

- 9.26. The proposed development is considered to be acceptable in terms of appearance and the impacts it may have on the amenities of local residents and the public highway. Planning conditions shall be included in the interest of visual and residential amenity, safeguarding the smooth running of the public highway, securing biodiversity improvements and secure cycle parking on the site, and ensuring water efficiency targets are achieved. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP1, CP7, CP8, CP9, CP10, CP12, CP13 and CP19 of the Brighton and Hove City Plan Part One, and DM1, DM12, DM18, DM20, DM21, DM33, DM35, DM37 and DM40 of the City Plan Part Two.

## **10. EQUALITIES**

- 10.1. The proposed residential unit would only be accessible using the existing access through no.57 Boundary Road and as such would not be suitable for any persons requiring level access. This is regrettable but it is not considered that alterations to the building (i.e. to install a passenger lift) would be practical in this instance and the LPA does not wish to raise strong objection.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

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

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

- 12.1. Biodiversity improvements including swift bricks shall be secured by condition within the approved development. The intensification of development on an

existing building to provide an additional flat will slightly reduce the pressure on green-field sites to provide housing. The site is in a highly sustainable location in terms of public transport, with bus routes along Boundary Road and Portslade Railway Station a short walk north of the site. Permission will be granted subject to a condition requiring the development meets water efficiency targets, to reduce the potential for water wastage and mitigate the impact of an additional household on water resources.

# **ITEM K**

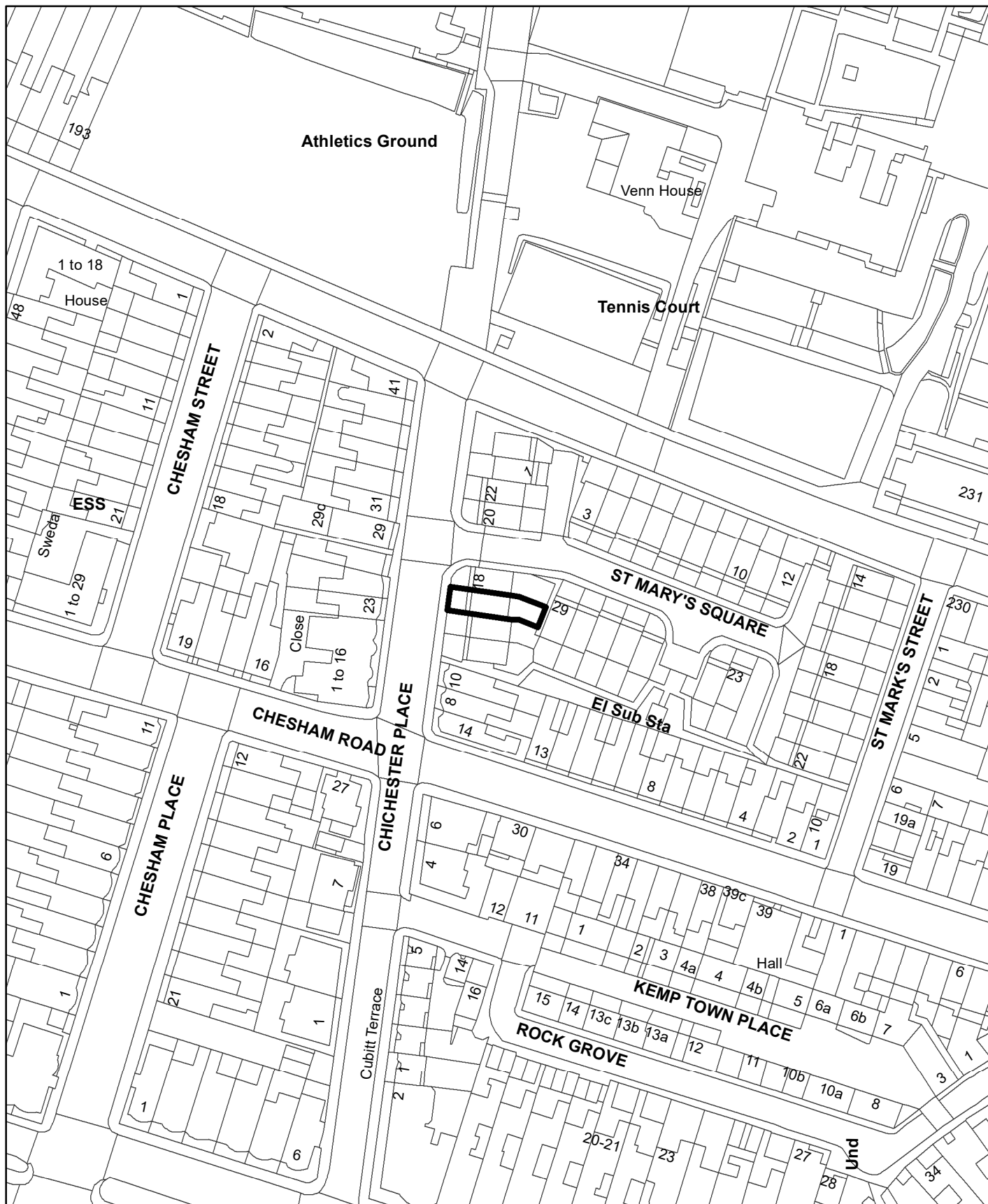
**16 Chichester Place  
BH2022/02826  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**





# BH2022 02826 - 16 Chichester Place



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/02826</b>	<b><u>Ward:</u></b>	<b>East Brighton Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>16 Chichester Place Brighton BN2 1FF</b>		
<b><u>Proposal:</u></b>	<b>Insertion of front and rear rooflights and addition of solar panels to the rear.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, 292193	tel: <b><u>Valid Date:</u></b>	07.09.2022
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	02.11.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Thomas Julian Flat 5 Heath Square 6 Boltro Road Haywards Heath RH16 1BL		
<b><u>Applicant:</u></b>	Mr Ben Wood 16 Chichester Place Brighton BN2 1FF		

## 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	001	A	7 September 2022
Proposed Drawing	001	A	7 September 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. The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP15 of the Brighton & Hove City Plan Part One and policy DM26 of the Brighton & Hove City Plan Part Two.

### Informatives:

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

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

## **2. SITE LOCATION**

- 2.1. The application site relates to an unlisted three storey terraced dwellinghouse on the east side of Chichester Place. The site is located within the East Cliff Conservation Area but there are no Article 4 Directions covering the site relating to extensions or alterations.

## **3. RELEVANT HISTORY**

- 3.1. **BH2012/02259** Loft conversion incorporating installation of rooflights to the front and rear. Approved 20.09.2012
- 3.2. **BH2012/02258** Removal of existing UPVC balcony window to front at first floor level and installation of new powder coated aluminium framed folding doors. Removal of existing UPVC doors and windows to rear at ground floor level and enlargement of opening to facilitate installation of new powder coated aluminium framed folding doors and associated works. Approved 04.10.2012
- 3.3. **BH2011/02753** Replacement of existing timber windows and doors with UPVC units and repositioning of front door. Approved 24.11.2011

## **4. RELEVANT HISTORY FOR ADJACENT PROPERTIES**

- 4.1. **BH2022/01711 - 22 St Mary's Square** Relocation of front door and side lights and the installation of 1no front rooflight and 2no rear rooflights with associated works. Approved 18.07.2022
- 4.2. **BH2011/03456 - 3 St Mary's Square** Installation of 12no solar panels to South roofslope (retrospective). Approved 12.01.2012
- 4.3. **BH2010/02492 - 14 Chichester Place** Installation of one solar collector rooflight to the front elevation. Approved 13.12.2010
- 4.4. **BH2010/02728 - 3 St Marys Square** Installation of photovoltaic solar tiles to South elevation. Approved 20.10.2010
- 4.5. **BH2010/01440 - 14 Chichester Place** Repositioning of front door and installation of rooflights to front and rear. Approved 09.07.2010
- 4.6. **BH2009/03183 - 16 St Mary's Square** Insertion of front and rear rooflights. Approved 23.03.2010

- 4.7. **BH2009/01431 - 26 St Mary's Square** Installation of roof lights to front and rear roof slopes, alterations to front entrance, replacement doors to rear at ground floor level. Approved 29.09.2009
- 4.8. **BH2008/01201 - 14 St Mary's Square** Addition of solar panels and velux window to rear roofslope. Approved 26.06.2008
- 4.9. **BH2003/00188/FP - 25 St Mary's Square** Insertion of a rooflight in both the front and rear roof slopes, and a new window in the east elevation. Approved 27.02.2003
- 4.10. **88/0781/F** Erection of 34 three storey dwellings and integral garages. Creation of new access road from Chichester Place and demolition of part of boundary wall. Approved 30.08.1988

## 5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the insertion of front and rear rooflights, and the addition of solar panels to the rear.

## 6. REPRESENTATIONS

- 6.1. **Five** (5) letters have been received objecting to the proposal on the following grounds:
- Adversely affects Conservation Area
  - Impact on residential amenity
  - Solar panels highly visible and would disrupt uniformity of roofscape
  - Would set a precedent
  - Detrimental effect on property value
  - Poor design

## 7. CONSULTATIONS

None

## 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 City Plan Part Two (adopted October 2022)

- 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).

## 9. RELEVANT POLICIES & GUIDANCE

### 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 City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM37	Green Infrastructure and Nature Conservation
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Document:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

## 10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character or appearance of the East Cliff Conservation Area.
- 10.2. 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. 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".

- 10.3. A site visit was not undertaken, but it was considered that the proposal could be assessed adequately based on photographs provided within the Design and Access Statement, along with 3D satellite views.

Impact on Character and Appearance:

- 10.4. The proposal involves the insertion of rooflights to the front and rear roof slopes. While it is noted that some households have 'permitted development' rights to insert rooflights, a condition was imposed on the original planning permission for the construction of the house/estate (reference 88/0781/F) removing these, preventing rooflights from being inserted at this property without express planning permission. Condition 4 of the 1988 application states: "Notwithstanding the provisions of Article 3 and Class 1(1) of the Town and Country Planning General Development Order 1977 and subsequent amendments thereto, no development within this Class shall be undertaken without the grant of planning permission by the Local Planning Authority".
- 10.5. The two front rooflights would be positioned centrally in the roofslope and would be aligned vertically with the windows below. The rooflights have been kept to an appropriate scale and would largely be screened from public view by the parapet wall and gable wall.
- 10.6. There is no parapet wall above the rear eaves so the proposed rear rooflights would be visible from within St Marys Square and a small viewpoint from Eastern Road. However, other roof slopes in the immediate vicinity of the site already have rooflights inserted within the rear facing roofslope and as a result it is not considered that the insertion of two rooflights to No.16 would be so harmful to the visual amenities of the property, terrace or wider area, including the Conservation Area, to warrant refusal.
- 10.7. It is also noted that permission was granted for a front rooflight and three rear rooflights at the adjoining property No.14 Chichester Place (BH2010/01440). Similar schemes for rooflights have also been approved in St Marys Square at Nos. 25 (BH2003/00188/FP), 14 (BH2008/01201), 26 (BH2009/01431), 16 (BH2009/03183) and 22 (BH2022/01711).
- 10.8. Eight solar photovoltaic panels are proposed which would occupy the lower half of the rear roofslope. Although the proposed array of solar panels would be of significant size, the property has a gable wall and they would not be highly visible from the ground. No solar panels exist along the group of eight houses along Chichester Place at the entrance to St Marys Square so they would appear somewhat incongruous and harmful to the appearance of the group and wider conservation area, but it is considered that the positive impact of the resulting renewable energy production would outweigh any harm, particularly noting permission for solar panels has previously been granted at Nos. 3 (BH2011/03456) and 14 (BH2008/01201) St Marys Square.
- 10.9. Therefore, although some harm is expected, it is not enough to warrant a refusal on this occasion.

10.10. It is also noted that a similar arrangement of solar panels could be achieved under Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and on that basis it would not be reasonable to refuse permission for the proposed solar panels.

Impact on Residential Amenity:

10.11. With regard to amenity, no significant adverse impacts are expected as a result of the proposed development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy have been fully assessed and no significant harm has been identified.

10.12. The proposed rear rooflights would face the side wall of No.29 St Mary's Square which does not have any windows. They are therefore not expected to provide any additional compromising views into neighbouring properties. The proposed solar panels would also face this wall so are not expected to result in any significant amount of glare. Potential light reflection would be based on variables such as the type of panels, the angles of the solar panels' surface, the angle of the sun, the weather, distance to the person etc and any detrimental effect is unlikely to be long lasting.

10.13. Letters have been received objecting to the proposal for a variety of reasons. One of the reasons listed was the potential for the works to have a detrimental effect on property value. This however is not a material planning consideration and cannot be taken into account when determining this application. The other reasons listed are in relation to the design of the proposal and its impact on the conservation area, which have been addressed above.

10.14. The proposed development would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

**11. CLIMATE CHANGE/BIODIVERSITY**

11.1. The installation of rooflights to the front and rear roofslopes would optimise daylight/sunlight and minimise the need for lighting/heating. The addition of solar panels can provide a more sustainable way to provide a property with electricity and heat.

**12. EQUALITIES**

None identified



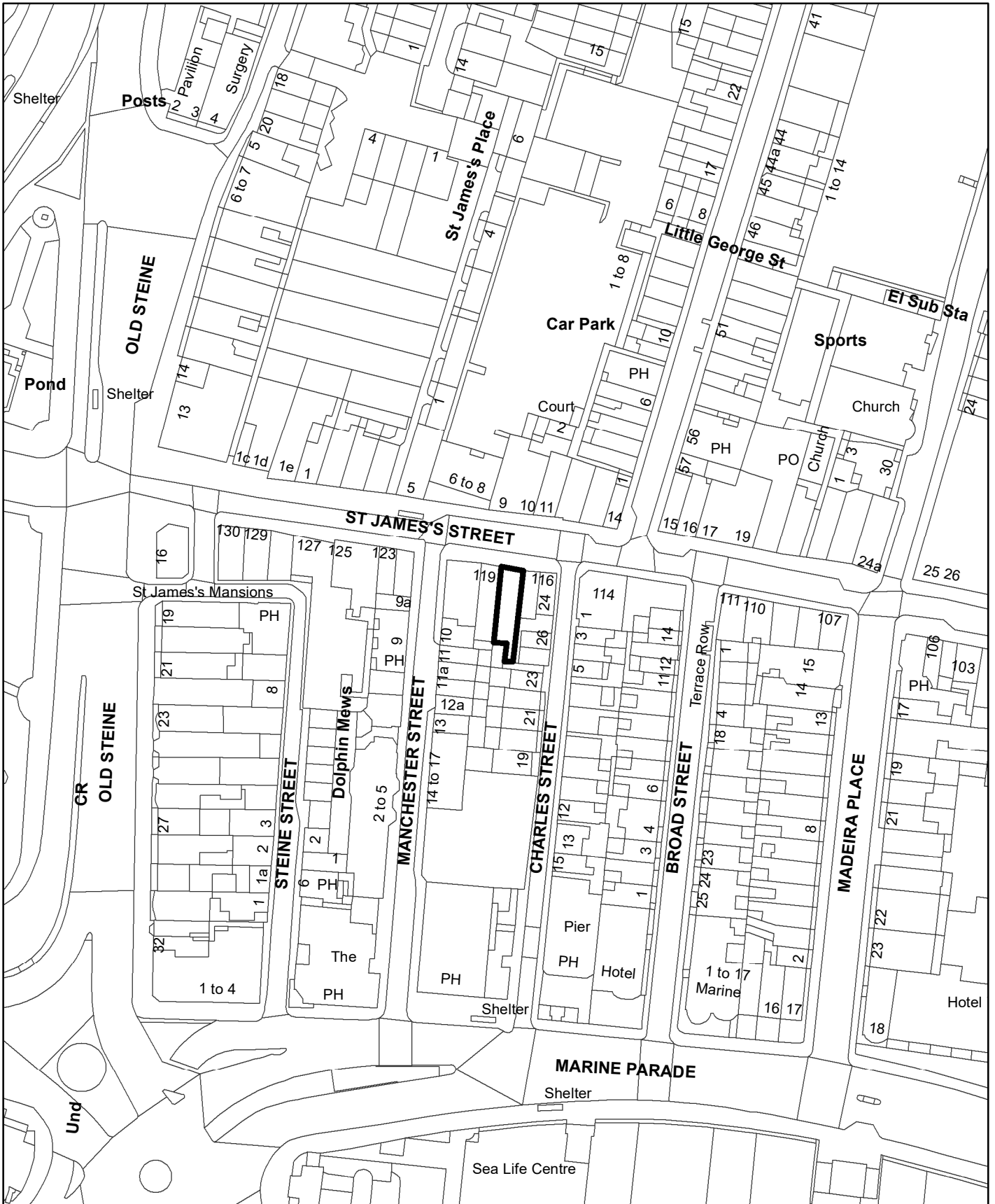
# **ITEM L**

**118A St James's Street Brighton  
BH2022/01324  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**



# BH2022 01324 -118A St James's Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/01324</b>	<b><u>Ward:</u></b>	<b>Queen's Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>118A St James's Street Brighton BN2 1TH</b>		
<b><u>Proposal:</u></b>	<b>Change of use from residential dwelling (C3) to a 3no bedroom house of multiple occupation (C4) incorporating replacement of glazed roof to conservatory with timber roof and clay interlocking tiles, installation of metal railings to first floor roof terrace with revised fenestration and associated works. (Part retrospective).</b>		
<b><u>Officer:</u></b>	Mark Thomas, tel: 292336	<b><u>Valid Date:</u></b>	13.05.2022
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	08.07.2022
<b><u>Listed Building Grade:</u></b>	Grade II	<b><u>EOT:</u></b>	15.07.2022
<b><u>Agent:</u></b>	Darryl Howells Planning Consultancy Unit 6 The Axium Centre Dorchester Road Lytchett Minster BH16 6FE		
<b><u>Applicant:</u></b>	Mr Khasru & Sabbir Miah & Ahmed C/O DHPC 6 The Axium Centre Dorchester Road Poole BH16 6FE		

## 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	8		25 April 2022
Report/Statement	Planning, Design and Heritage Statement		25 April 2022
Proposed Drawing	3	A	6 July 2022
Proposed Drawing	4	A	6 July 2022
Proposed Drawing	6	A	6 July 2022
Proposed Drawing	7	A	6 July 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. The hereby approved development shall only be occupied by a maximum of five (5) persons.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policies DM7 and DM20 of the Brighton and Hove City Plan Part Two.

4. The rooms described as 'kitchen' and 'communal area' as detailed on the first floor level and 'communal' on the top floor level of the approved plans shall be retained as communal amenity space at all times and shall not be used as one or more bedrooms.

**Reason:** To ensure a suitable standard of accommodation for occupiers to comply with policy DM20 and DM7 of the Brighton and Hove City Plan Part Two.

5. The internal and external finishes of the works hereby permitted and of all works of making good shall match in material, colour, style and texture those of the existing features of the building unless otherwise specified in the approved drawings.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy CP15 of the Brighton & Hove City Plan Part One and DM26 and DM27 of the Brighton and Hove City Plan Part 2

6. Within 6 months of the date of this permission, unless an extended time frame is agreed with the LPA, the new tiled roof for the conservatory shall be installed in accordance with the approved plans and this shall be retained in place thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to preserve the historic character of the listed building in accordance with DM26 and DM27 of City Plan Part Two

7. Within 6 months of the date of this permission, unless an extended time frame is agreed with the LPA in writing, the external staircase shall be painted black, in accordance with the approved plans and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to preserve the historic character of the listed building and East Cliff Conservation Area in accordance with DM26 and DM27 of City Plan Part Two

8. Within 6 months of the date of this permission, unless an extended time frame is agreed with the LPA in writing, the new timber windows and doors shall be installed in accordance with the approved details, and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to preserve the historic character of the listed building and East Cliff Conservation Area in accordance with DM26 and DM27 of City Plan Part Two

9. Within 6 months of the date of this permission, unless an extended time frame is agreed with the LPA, the new railings to the first floor roof terrace shall be installed to the property in accordance with the approved drawings and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to preserve the historic character of the listed building and East Cliff Conservation Area in accordance with DM26 and DM27 of City Plan Part Two

10. Prior to the revised roof terrace coming in to use, details of a 1.5 metre high screen on the western elevation of the terrace shall be submitted to and approved by the LPA in writing. The works shall be installed in accordance with the approved details and retained in place thereafter.

**Reason:** To protect the amenity of the occupier of the development and the privacy of the occupiers of the adjacent property in accordance with policy DM20 of the City Plan Part 2

Informatives:

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

## 2. SITE LOCATION

- 2.1. The application relates to a mid-terrace property on the southern side of St James' Street in Kemp Town. Dating from the late 18<sup>th</sup> or early 19<sup>th</sup> century, the character of the former house has been eroded by a twentieth century shopfront of no distinction inserted in the ground floor. A segmental bay to the first and second floors, with flat-arched, tripartite windows and sashes of original design are seen on the front elevation. The rear elevation has been extended and altered in the past with some inappropriate additions and UPVC windows. The property is Grade II listed and within the East Cliff Conservation Area.
- 2.2. The area is mixed-use with a vibrant commercial street scene including a night-time economy and a mix of residential and commercial uses above street level. There is an Article 4 Direction in place restricting the conversion of single dwellinghouses to houses in multiple occupation (HMOs) without express planning permission being granted.

## 3. RELEVANT HISTORY

- 3.1. **BH2022/01325** [Listed Building Consent application]: Internal alterations to layout associated with change of use from residential dwelling (C3) to a 3no bedroom house of multiple occupation (C4) incorporating replacement of glazed roof to conservatory with timber roof and clay interlocking tiles, installation of metal railings to first floor roof terrace with revised fenestration and associated works. (Part retrospective). Concurrent listed building consent - Under consideration
- 3.2. **BH2021/03527** Change of use from residential dwelling (C3) to a 4no bedroom house of multiple occupation (C4) (retrospective). Refused 8/2/2022 for the following reasons:
  1. *The proposed development, by reason of the cramped communal living space, together with the provision of the sole communal space within a poorly-insulated conservatory, which is overlooked by the main accessway*

*to two nearby properties, would offer substandard living-conditions. Furthermore, the submission fails to demonstrate that the roof-space bedrooms would provide acceptable living conditions in terms of available head-room. Taken together, the HMO would offer poor, cramped and oppressive living conditions for occupiers, contrary to policy QD27 of the Brighton and Hove Local Plan, policy CP21 of the Brighton and Hove City Plan Part One, and policies DM1 and DM7 of the submission Brighton and Hove City Plan Part Two.*

2. *The submitted details include unauthorised works to a Listed Building which are inappropriate and cause significant harm to it, as shown on the submitted drawings (uPVC windows and doors and felt roof covering) and the submission documents (new metal staircase at the rear shown in photograph). Details of reinstatement works, as requested by the Local Planning Authority during the course of consideration of the application, have not been submitted for consideration. For the reasons outlined, the development would/has caused significant harm to the special historical and architectural significance of the Listed Building, contrary to policies HE1 and HE4 of the Brighton and Hove Local Plan, Policy CP15 of the Brighton and Hove City Plan Part One, and policy DM27 of the submission Brighton and Hove City Plan Part Two.*
3. *The proposal to situate the main communal living space within a conservatory, due to the lack of sound insulation compared to an internal room, would give rise to harmful noise disturbance to occupiers of neighbouring residential properties, contrary to policy QD27 of the Brighton and Hove Local Plan, policy CP21 of the Brighton and Hove City Plan Part One, and policies DM7 and DM20 of the submission Brighton and Hove City Plan Part two.*

- 3.3. **BH2021/03528** Internal alterations to layout associated with change of use from residential dwelling (C3) to a 4no bedroom house of multiple occupation (C4) (retrospective). Refused 9/2/2022
- 3.4. **BH2017/00964** - Installation of rooflight to South side of North facing roof to provide egress to roof. Approved 18/08/2017
- 3.5. **BH2017/00965** - Installation of rooflight to South side of North facing roof to provide egress to roof. Approved 12/08/2017
- 3.6. **BH2003/03714/LB** Single storey rear extension at first floor level. Formation of terrace at first floor level. Demolition of small projection at second floor level and new window in rear elevation. Installation of rooflight to rear roofslope. Approved 19/01/2004
- 3.7. **BH2003/03715/FP** Single storey rear extension at first floor level. Formation of a terrace at first floor level. Demolition of small projection at second floor level and new window in rear elevation. Installation of rooflight to rear roofslope. Approved 19/01/2004

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



- 4.1. Planning permission is sought for alterations to the layout of the property and a retrospective change of use from a residential dwelling (C3) to a three-bed HMO (planning use class C4). External alterations include the incorporation of a replacement roof to the existing conservatory, installation of metal railings to first floor roof terrace and new timber windows to replace the existing UPVC installations. The retrospective works include the regularisation of the installation of metal stairs to the rear and a felt roof on the existing rear accessway.
- 4.2. Amended drawings were received in July 2022 to clarify issues raised by the Heritage Team and to include suitable joinery detail for the new timber windows and doors.
- 4.3. The application follows a refusal for a four-bed HMO earlier in 2022 (see planning history).
- 4.4. The key difference in this application is the proposal for three bedrooms reduces the previously-proposed occupancy and proposes an increase in the amount of communal space offered to improve the standard of accommodation. The proposal also includes some remedial measures to improve the historic character of the listed building.

## 5. REPRESENTATIONS

- 5.1. **6 (Six)** Letters of representation (two from the same individual) have been received objecting to the application for the following reasons:
  - Noise and antisocial behaviour
  - Maintenance issues
  - Adverse effect on listed building
  - Adversely affects Conservation Area
  - Noise
  - Overdevelopment
  - Overshadowing
  - Residential Amenity
  - Loss of privacy
  - Still operating as an HMO without planning permission
  - Detrimental effect on property value
  - Too close to the boundary
  - Concerns relating to the retrospective nature of the works

## 6. CONSULTATIONS

- 6.1. **Heritage** Initial comments  
This proposal is for the conversion of the room plan to be used as an HMO rather than a single residence. The existing and proposed plans both show the property as being planned as an HMO therefore we should see the room plan that preceded this to assess the harm caused by the change of use.

- 6.2. There are no other concerns in principle about the exterior changes and the replacement windows. The single glazed sashes are an improvement on the uPVC and the timber French doors are modern and unsuited to the building
- 6.3. There is no objection to the rear extension becoming one roofed in tiles rather than glass. However the detail design of the French doors should be clarified

Second consultation following amended drawings - No objection

- 6.4. **Planning Policy:** No comment
- 6.5. **Sustainable Transport:** verbal comment - No objection  
The proposed change of use from C3 residential use to C4 HMO residential use is expected to result in an increase in trip generation, however the level of trips is not expected to result in a negative impact on the local highway network. The proposed development does not include cycle parking provision, however no cycle parking is considered acceptable in this instance due to the site's constraints and lack of space internally/externally to deliver adequate cycle parking provision.
- 6.6. **Housing:** No comment received
- 6.7. **Private Sector Housing:** No comment received

**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 City Plan Part Two (adopted October 2022)
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (adopted October 2019);

**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
CP15	Heritage
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation (HMOs)
DM18	High quality design and places
DM21	Extensions and alterations
DM20	Protection of Amenity
DM26	Conservation Areas
DM27	Listed Buildings
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in assessing this application are the impact of the proposed development on the special architectural and historical character and significance of the Listed Building and the character and appearance of the wider conservation area, the principle of the change of use, the impact of the development on the amenity of occupiers of neighbouring properties, the standard of accommodation provided for occupiers of the development and transport and highways considerations.

**Principle of Development:**

- 9.2. The application is for change of use from a C3 dwelling to a use which would allow occupation of the property as a 3 bedroom House in Multiple Occupation (HMO) (planning use class C4)
- 9.3. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that in order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:  
*'More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*

- 9.4. A mapping exercise has taken place which indicates that there are 109 neighbouring residential properties within a 50m radius of the application property. Nine neighbouring properties have been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 9.81%
- 9.5. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.
- 9.6. Policy DM7 of the recently adopted CPP2 includes additional criteria to those set out in Policy CP21, stating the following:  
*Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:*
- a) *fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
  - b) *the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
  - c) *the proposal does not lead to a continuous frontage of three or more HMOs;*
  - d) *the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*
  - e) *communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants.*
- 9.7. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 3.26 % and therefore criterion a has been met.
- 9.8. Criterion b) has been assessed and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs.
- 9.9. In relation to criterion c), however, the development would lead to a continuous frontage of three HMOs given the existence of HMO's already present at 119 St James's Street and 120-121 St James's Street. However, the supporting text of policy DM7 states that; "In situations where properties are not traditional houses situated along a street frontage, the policy can be applied flexibly depending on the individual circumstances of the proposal." In this case it is considered that the overall frontages of St James' St are not traditional houses, having commercial uses at ground floor level of all three buildings identified as HMOs. In this non-domestic setting it is considered that the continuous frontage of 3 HMOs would not cause harm to the amenity of the area that DM7 is seeking to protect. The neighbourhood in which the site is located is not suburban or dominated by residential uses but has commercial uses at ground floor level such that the increased level of activity associated with HMOs would have far less of an impact than would otherwise be the case. Taking the individual circumstances of this case is not considered to create an undue precedent such that should other applications fails to accord with criterion (c) or that the

continuous run in this case be extended beyond three the LPA would still be able to refuse such applications should the circumstances warrant. It is also recognised that this application proposes improvements to the listed building which would be of both public benefit and would reduce the impact of the use of the property on neighbouring amenity.

- 9.10. Considerations regarding amenity space and communal living (criteria d) and e)) are set out below.
- 9.11. On this basis, the scheme is considered to accord with Policy DM7 of the Brighton and Hove City Plan Part Two and CP21 of the Brighton and Hove City Plan Part One.

**Design and Appearance and impact on Heritage:**

- 9.12. In considering whether to grant planning permission the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.13. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".
- 9.14. The previous application was found to include contain works which would harm the historic character of the property. Some of the proposed works were not well explained or articulated and some previous alterations to the property were harmful and required removal or regularisation.
- 9.15. Planning policy DM27 and SPD09 advises where appropriate, the planning authority will require - in conjunction with applications for a change of use, alteration or refurbishment - the reinstatement of original features on listed buildings, such as: mouldings, traditional doors and windows.
- 9.16. Since the previous application, discussions have been on-going with the Heritage Team to secure improvements to the property. In this application, the external metal staircase is proposed to be retained (as it provides access to other accommodation) but it is proposed to be painted black to better reflect the historic character of the property. The application also seeks regularisation of the felt covering of the second external staircase to the rear.
- 9.17. In order to offer some tangible benefits to the historic character of the property, in accordance with DM27 and SPD09, the applicant is proposing to replace all current uPVC windows with timber windows. This is most welcome and would provide a significant benefit to the historic character of the property. The replacement windows include the top floor front dormer window, which given this is on the front elevation does provide wider public benefit.
- 9.18. Improvements to the existing conservatory have been offered and shall be secured by way of the removal of the existing plastic roof. A new timber roof with clay interlocking roof tiles, to match the existing main roof is proposed. This

offers a substantial improvement to the historic character of the property. The existing timber bay windows at first and second floors on the front elevation shall be repaired when necessary.

- 9.19. The works have been reviewed by the Heritage Team and are considered to be acceptable. Planning conditions can be imposed to ensure the works to enhance the historic character of the property listed building are undertaken in a timely manner. Overall, it is envisaged that the enhancements will positively enhance the exterior of the Listed Building and should be given significant weight.

**Standard of Accommodation:**

- 9.20. Policies DM7 (relating to new HMO accommodation) and DM20 (amenity) of CPP2 aim to secure a good standard of living accommodation for occupiers in all new developments. DM7 specifically states the internal and private outdoor space standards provided must comply with Policy DM1 Housing Quality, Choice and Mix, and communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants.
- 9.21. The Nationally Described Space Standards (NDSS) now referred to through DM1 apply to the change of use from dwelling to HMO. The previous application was refused over concerns over the standard and amount of communal space and the standard of accommodation for the rooms on the top floor of the property. The main difference in this application is one of the top floor bedrooms in the previous application would now be used as communal space.
- 9.22. At 97sqm the floor area is slightly below the NDSS threshold of 99sqm for a 3 bed, 5 person residential unit over 3 floors. As with the previous application, the first and second floor front bedrooms would be appropriately sized at 18-19m<sup>2</sup>, and would have natural light and an acceptable outlook through the front bay. These meet the space standards for a 2-person bedroom in the NDSS. Three shower rooms at second floor level would be sufficient for a three-bedroom HMO.
- 9.23. The third bedroom within the roof space is somewhat cramped, with a ceiling height the of 2.036m which is less than the recommended 2.3m over 75% of the floor space. As a result, this small room would undoubtedly feel oppressive for some occupants. Adjacent to this bedroom a small communal space is now proposed. Opportunities around opening-up the top floor to allow a better standard of bedroom with a dual aspect and better outlook and light were discussed and explored. However, there is no opportunity to remove the dividing wall in the upper floor due to structural issues and the harm to the historic fabric of the listed building. In this instance therefore, and giving the preservation of the heritage asset due weight in the planning balance, it is considered this room, despite the limited head height, can be accepted in this instance. This bedroom would only be suitable for a single occupant.
- 9.24. As with the previous application, this application involves the conversion of the existing living room at first floor in to a bedroom. The existing kitchen (12.6m<sup>2</sup>) would be retained and would adjoin a communal space (7.3m<sup>2</sup>) within the

existing conservatory. This conservatory area is proposed to be improved with a solid roof, this is considered to improve its useability as a communal space.

9.25. Communal spaces play a crucial role in accommodation of this type as inadequate communal areas increase the time occupants must spend in individual bedrooms. In this case, the communal space is considered appropriately sized for the needs of a 3-bedroom HMO. It is acknowledged that the communal space in the roofspace is limited but taken together with the first-floor spaces, the overall amount of communal floor space is considered adequate. The quality of the communal space however must also be assessed. The first floor space opens out on to the terrace and the access for the flats above 119 St James' Street. Having occupiers of other properties passing in close proximity to the only outlook from the communal space would encourage the use of blinds/shutters to preserve privacy, which is less than ideal. To compensate for this, the further communal space would be provided on the top floor can be taken into account and whilst this has a limited height, on balance - given that the communal space would now serve a 3 bedroom property, rather than a 4 bedroom property, the standard of communal space has been improved from the previous application, the communal space for a 3 bed HMO is now considered adequate.

9.26. Taking in to account the constraints of converting a listed building, the accommodation proposed is considered acceptable in this instance in accordance with policies DM1, DM7 and DM20 of the Brighton and Hove City Plan Part Two.

**Impact on Neighbouring Amenity:**

9.27. Policy DM20 seeks to ensure that development, including a change of use do not harm the residential amenity of neighbouring occupiers.

9.28. Neighbours have raised concerns over noise and disturbance. The proposed change of use from the existing dwelling to a three-bedroom HMO would result in a slightly more intensive use of the property. However, it is considered that any minimal increase in noise/disturbance would not be sufficient to warrant refusal of the application in this busy area of central Brighton.

9.29. The previous application was refused in part due concerns over the use of the conservatory as communal space and breakout-noise from this space having the potential for noise and disturbance for neighbouring occupiers. The reduction in the number of occupants and the provision of the top floor amenity space together with the proposed replacement roof sufficiently mitigates the potential harm.

9.30. Neighbours have expressed concerns about the use of the rear terrace in the scheme. Planning history shows the formation of the terrace was permitted in 2003 with planning conditions to ensure a 1.8m screen along the west elevation and 1.1m to the south. There is no evidence of these physical boundaries on site, and it may be the case such a structure was never erected despite conditions to secure the screening remained in-situ. It is apparent that part of the flat roof where the terrace is located also serves as access to 119A St

James' Street, and that occupiers of this neighbouring property also use the adjacent flat roof as amenity space. As a result, the spaces, as they are currently used by both occupants, present a loss of privacy to both flats through mutual overlooking.

- 9.31. The demarcation of these external amenity spaces would benefit the residents of both flats. Railings are proposed which is the welcome approach from a historic buildings perspective, and whilst they would provide an element of screening, this would not prevent a loss of privacy between 118a and 119a St James' Terrace. Therefore, a screen detail must be secured for the western elevation of the terrace. Full details will be required and must also be acceptable from a historic building perspective. This can be secured by condition.
- 9.32. Whilst the comments from neighbouring occupiers have been noted, this is an area of Brighton with a relatively dense residential accommodation and residential flats and outdoor amenity spaces are in very close proximity to one another. The separation distances to other properties means the terrace is not considered to cause a significant loss of privacy to other neighbouring occupants.
- 9.33. It is not considered that the revised roof tiling to the conservatory would be overbearing or cause loss of light despite it appearing as a more substantial structure than the existing glazed roof. This would not be an overbearing structure, and the roof would not cause a loss of light.
- 9.34. Overall the change of use and the external alteration are not considered to cause significant harm to the residential amenity of neighbouring occupiers in accordance with policy DM20 of the Brighton and Hove City Plan Part Two.

**Sustainable Transport:**

- 9.35. Vehicle trips associated with a 3 bed HMO use are unlikely to be significantly different from the use as a C3 maisonette. The location is in a highly sustainable part of the city with excellent access to cycle and car sharing schemes as well as bus and train routes. Any overspill parking within the vicinity would be controlled by on-street parking restrictions.
- 9.36. No cycle parking has been proposed. Given the constraints of the site, it is unlikely that policy compliant (secure and convenient) cycle parking can be achieved in this instance. The Highways Team have not raised an objection to the proposal and the proposal is considered to accord with policy DM33 of the Brighton and Hove City Plan Part Two.

**10. EQUALITIES**  
None identified

**11. CLIMATE CHANGE/BIODIVERSITY**



- 11.1. The proposal includes alterations to the rear conservatory roof which are considered to be improvement to the insulation of the building.

## **12. COMMUNITY INFRASTRUCTURE LEVY**

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



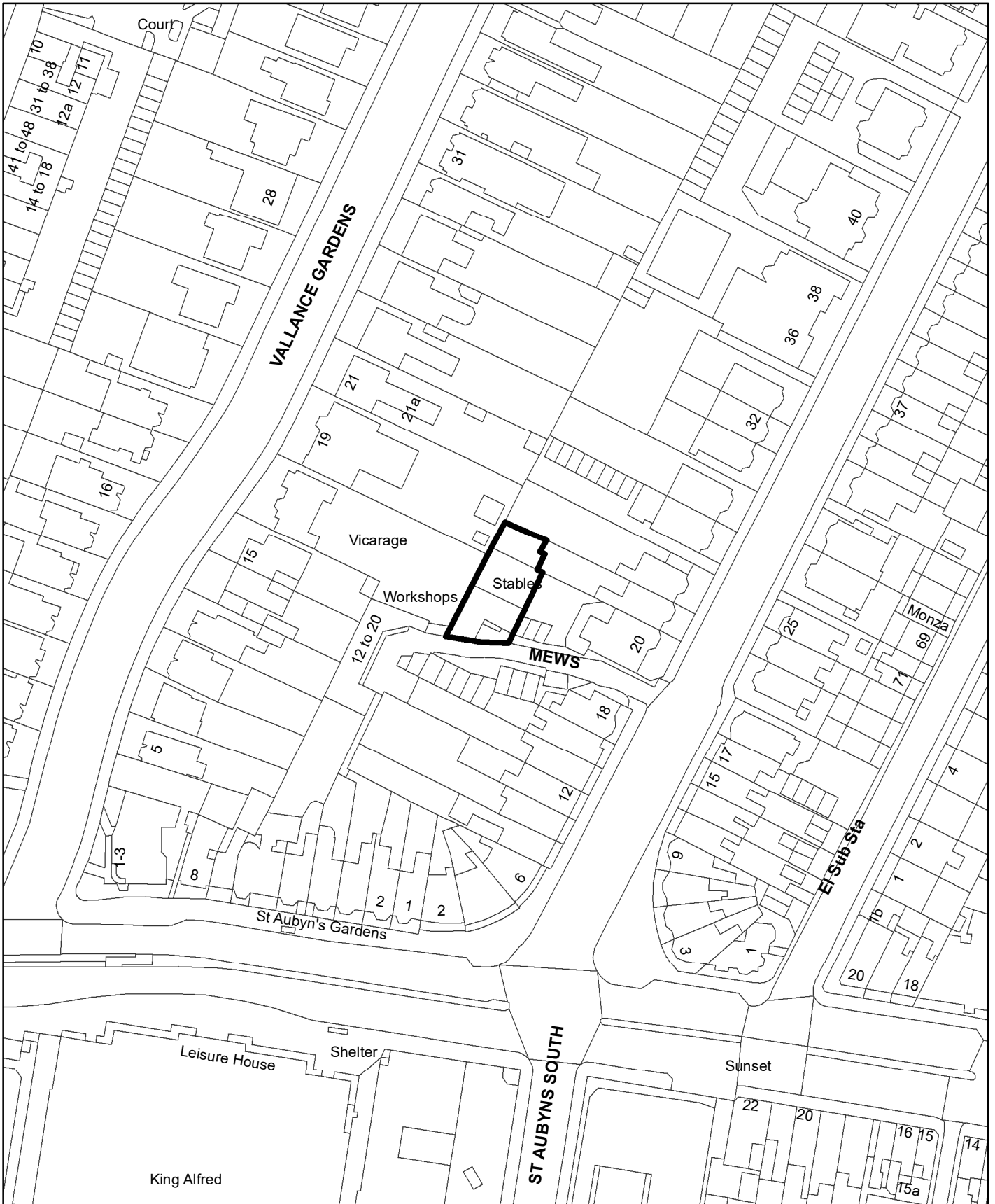
# **ITEM M**

**The Coach House, 1 Namrik Mews  
BH2022/02391  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> December 2022**



# BH2022 02391 - The Coach House, 1 Namrik Mews



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/02391</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>The Coach House 1 Namrik Mews Hove BN3 2TF</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension, replacement roof and first floor rear terrace and alterations to windows &amp; doors.</b>		
<b><u>Officer:</u></b>	Ayscha Woods, Tel: 292322	<b><u>Valid Date:</u></b>	10.08.2022
<b><u>Con Area:</u></b>	Old Hove	<b><u>Expiry Date:</u></b>	05.10.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	RS Design - Architect Ltd Studio 115 Surrenden Road Brighton BN1 6WB		
<b><u>Applicant:</u></b>	Willis The Coach House 1 Namrik Mews Hove BN3 2TF		

## 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	21838 P 02	C	5 October 2022
Proposed Drawing	21838 P 03	D	5 October 2022
Proposed Drawing	21838 P 04	C	5 October 2022
Proposed Drawing	21838 P 05	E	5 October 2022
Proposed Drawing	21838 P 06	D	5 October 2022
Location Plan	21838 E 01	-	25 July 2022
Block Plan	21838 P 01	B	25 July 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. 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 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/details 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

The 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 DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall not be commenced until full details of all new and replacement doors and windows and their reveals and cills, and (where they are replacements) comparative details of the existing door/window, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with Policies CP15 of the Brighton & Hove City Plan Part One and DM26 of the Brighton & Hove City Plan Part Two.

5. No development above ground floor slab level shall commence until a structural assessment of the existing together with full details of the replacement first floor balcony (with comparative details of the existing), including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with Policies CP15 of the Brighton & Hove City Plan Part One and DM26 of the Brighton & Hove City Plan Part Two.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained vegetation, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority, including tree fencing during construction identifying an exclusion zone around the root protection area to prevent material storage and ground compaction. The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with Policies CP12 of the Brighton & Hove City Plan Part One and DM22 of the Brighton & Hove City Plan Part Two, and SPD06: Trees and Development Sites.

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



**Reason:** To enhance the biodiversity of the site and to comply with Policies CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.

Informatives:

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

## **2. SITE LOCATION**

- 2.1. The application site relates to The Coach House, 1 Namrik Mews, within the Old Hove Conservation Area, but not within the setting of any listed buildings. Namrik Mews is the only mews to survive in the Old Hove Conservation Area, and is a small unadopted road, accessed from the western side of St Aubyn's between two tall blocks of terraced dwellings. The mews provides access to a number of garages, workshops and residential properties, including the application site.
- 2.2. In heritage terms, the Mews is atypical of the general building development and typology in this part of Hove. The current arrangement dates from the end of the 19th century when it was known as Namrik Stables.
- 2.3. The application relates to a two storey, pitched-roof detached dwelling, located on the northern side of the Mews. The front door opens immediately on to the Mews, with a relatively large rear garden of more than 15m, set to the rear of properties fronting St Aubyns to the east, and Vallance Gardens to the west.
- 2.4. The dwelling was previously identified as a local heritage asset, but following re-assessment as part of the review of the Local List in 2013-15, whilst noted for its townscape interest, this property was deleted from the list having been assessed as so altered over time as not meeting all of the criteria for inclusion. Despite this, its quirky appearance, traditional materials and unique detailing continue to have a positive impact on the street scene of Namrik Mews.

## **3. RELEVANT HISTORY**

None relevant

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the erection of a single storey rear extension which would be connected to the main house by a largely glazed link, as well as the redevelopment of rear areas and patio, a replacement roof, the addition of a

first floor rear terrace, and alterations to fenestration, doors and the internal configuration to re-develop the property as a four bedroom house.

## 5. CONSULTATIONS

### 5.1. **Heritage:** Amendments sought.

Further comment received 12/10/22

Amendments to the proposed rear extension aimed at reducing the bulk and dominance of the structure in relation to the boundary wall and existing building, as viewed from Namrik Mews, have now been submitted, and it is considered that setting the new wall behind the existing boundary wall and changing the detail to a pitched roof slope is acceptable. However clarification on the overall roof form of this link element is required as comparison of the two elevations indicates an asymmetric arrangement, whereas the plan shows a symmetrical double pitch.

Final comment received 24/10/22

### 5.2. Further information has been received that allows an understanding of the proposed roof form of the link element and the relationship with the existing boundary wall, and this can now be confirmed as acceptable. The revised plans can be approved on heritage grounds, subject to conditions relating to joinery details and materials.

### 5.3. **Arboriculture:**

Further comment received 21/10/22 (no objection subject to condition securing Arboricultural Method Statement and Tree Protection Plans).

Following the submission of additional information tree protection plan sought by condition for retained vegetation to require a fenced-off exclusion zone around the root protection area to prevent material storage and ground compaction during construction.

## 6. REPRESENTATIONS

### 6.1. Letters of representation have been received from 4 (four) people, objecting the application on the following grounds:

- Adverse affect on listed building adversely affects Conservation Area
- Detrimental effect on property value
- Out of scale/out of character
- Inappropriate Height of Development
- Noise
- Overdevelopment
- Overshadowing
- Loss of light
- Poor design
- Residential amenity
- Restriction of view
- Too close to the boundary

- Impact/loss of biodiversity
- Loss of garden
- No community benefit
- Impact on quality of life
- Set a precedent

- 6.2. One (1) letter of representation has been received supporting the application on the following grounds:
- Overall favourable development
  - Parking access query raised
  - Structural query raised

## 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 City Plan Part Two (adopted October 2022);
  - 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 (October 2019)

## 8. RELEVANT 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 & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas

#### 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 the impact of the proposed development on the appearance and character of the building and wider Old Hove Conservation Area, and the amenities of adjacent occupiers.

9.2. 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. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

### **Design and Appearance:**

9.3. There would be some changes to the front elevation of the dwelling, including general refurbishment and the replacement of fenestration which is considered to be beneficial in upgrading the appearance of the building. In addition, a Juliette balcony would be installed at first floor level on the existing first floor front facing doors, but in context this is considered a minor change which would be in keeping with the building and area.

9.4. The main roof would be replaced as part of the overall proposal, resulting in a small increase in height (approximately 100mm). The side (east facing) entrance would be reconfigured which may result in the loss of an historic element on the front elevation, so that notwithstanding the plans, it is recommended that the replication of the existing door design is secured by condition.

9.5. A single storey rear extension is proposed at the rear of the property, connected to the main house by a largely glazed link addition parallel with the common eastern boundary with the rear garden of 20 St Aubyns. The extension would function as a dining area, and whilst only single storey would have a pitched roof to a height of more than 5m. The extension and link would feature large doors and windows facing internally into the garden area with a brise soleil over. The extension would also feature a high-level porthole window on its rear elevation and rooflights to the north facing roof slope.

9.6. The direct rear of the property would see new larger windows and doors installed to existing openings and the existing rear western garden access refurbished, and a first floor terrace would be replaced. Further details of materials and proposed joinery for these elements is recommended by condition. Some alterations and replacement to the rear garden patio area would take place, but the plans indicate that the raised surfaces would be at the same heights or lower than the existing levels.

- 9.7. The alterations and extensions to the rear of the property would be small in scale, with limited if any views from the public realm so would have no impact on the streetscene or character of the area, including its heritage features.
- 9.8. Following the received amendments and subject to the above conditions, the proposed development would form suitable additions and alterations which would not harm the appearance of the building or wider Old Hove conservation area in accordance with CP12 and CP15 of the Brighton and Hove City Plan Part one and DM21 and DM26 of the Brighton and Hove City Plan Part Two.

**Impact on Amenity:**

- 9.9. Policy DM20 of City Plan Part Two states that planning permission for any development 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.
- 9.10. It is noted that a site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans provided and from recently taken aerial imagery of the site.
- 9.11. The proposed extension would be single storey in height and following amendments, would be set suitably away from the boundary with a pitched roof form and modest eaves height. No significantly harmful overbearing impacts or overshadowing or loss of light would occur.
- 9.12. The revised scheme would not result in any significantly harmful material loss of amenity for neighbouring occupants, so would accord with policy DM20 of the Brighton and Hove City Plan Part Two.

**Biodiversity**

- 9.13. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

**10. CLIMATE CHANGE/BIODIVERSITY**

- 10.1. The works would modernise and refurbish the existing building, improving its energy efficiency and making better use of an existing site. A bee brick will be secured by condition to enhance biodiversity on site.

**11. EQUALITIES**

None identified.



# PLANNING COMMITTEE

## Agenda Item 68

Brighton & Hove City Council

### NEW APPEALS RECEIVED 06/10/2022 - 02/11/2022

**WARD**

**SOUTH PORTSLADE**

**APPEALAPPNUMBER**

BH2022/01197

**ADDRESS**

77 Trafalgar Road Portslade BN41 1GT

**DEVELOPMENT DESCRIPTION**

Display of internally illuminated digital hoarding sign.

**APPEAL STATUS**

APPEAL IN PROGRESS

**APPEAL RECEIVED DATE**

17/10/2022

**APPLICATION DECISION LEVEL**

Delegated

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### APPEAL DECISIONS FOR THE PERIOD BETWEEN 20/10/2022 AND 23/11/2022

#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

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

APL2022/00054

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.

Against Refusal

APPEAL DISMISSED

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

BH2021/00770

APPLICATION DECISION LEVEL

Planning (Applications) Committee

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#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

#### **PRESTON PARK**

APL2022/00051

1 Shaftesbury Place Brighton BN1 4QS

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 TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION  
NUMBER

BH2021/02126

APPLICATION DECISION LEVEL

Delegated

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#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

#### **ROTTINGDEAN COASTAL**

APL2022/00041

1 Wanderdown Road Brighton BN2 7BT

Demolition of existing bungalow and erection of part 2, part 3 storey building containing 5no. residential units (C3) and associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION  
NUMBER

BH2021/02172

APPLICATION DECISION LEVEL Delegated

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**WARD**

**SOUTH PORTSLADE**

APPEAL APPLICATION NUMBER

APL2022/00069

ADDRESS

Garages Southdown Avenue Portslade

DEVELOPMENT DESCRIPTION

Erection of a two storey 2no bedroom dwellinghouse (C3) replacing existing garages.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/04509

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER

APL2022/00045

ADDRESS

Smart House Ditchling Road Brighton BN1 4SE

DEVELOPMENT DESCRIPTION

Erection of a single storey self-contained one bedroom/studio dwellinghouse (C3) with basement. New pedestrian and vehicle access gates.

APPEAL TYPE

Against Refusal

APPEAL DECISION

WITHDRAWN APPEAL

PLANNING APPLICATION NUMBER

BH2021/01764

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER

APL2022/00046

ADDRESS

Smart House Ditchling Road Brighton BN1 4SE

DEVELOPMENT DESCRIPTION

Erection of a single storey self-contained one bedroom dwellinghouse (C3) with basement. New pedestrian and vehicle access gates.

APPEAL TYPE

Against Refusal

APPEAL DECISION

WITHDRAWN APPEAL

PLANNING APPLICATION NUMBER

BH2021/01765

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**WISH**

APPEAL APPLICATION NUMBER

APL2022/00034

ADDRESS

46 Boundary Road Hove BN3 4EF

DEVELOPMENT DESCRIPTION

Prior approval for change of use of basement and ground floor from retail (A1) to residential (C3) to form 1no one bedroom flat, incorporating replacement of shopfront with window and alterations to side and rear fenestration.

<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02824
<u>APPLICATION DECISION LEVEL</u>	Delegated

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