

Planning Committee

Date: **1 February 2023**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

Contact: **Shaun Hughes**
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AGENDA

81 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.

82 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 11 January 2023 to be distributed separately.

83 CHAIR'S COMMUNICATIONS

84 PUBLIC QUESTIONS

Written Questions: To receive any questions submitted by the due date of 12 noon on 26 January 2023.

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

86 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

MAJOR APPLICATIONS

A BH2022/00456 - Former Dairy, 35-39 The Droveaway, Hove - Full Planning **1 - 30**

MINOR APPLICATIONS

B BH2022/00287 - Land Adjacent Hillside, Ovingdean Road, Brighton - Reserved Matters **31 - 50**

C BH2022/02299 - Tennis Courts, Hove Park, Old Shoreham Road, Hove - Full Planning **51 - 64**

D BH2022/03609 - 4-6 Longridge Avenue, Saltdean, Brighton - Full Planning **65 - 74**

E BH2022/01584 - 25 Drove Road, Brighton - Full Planning **75 - 88**

87 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

88 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **89 - 90**

(copy attached).

89 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

90 APPEAL DECISIONS

None for this agenda.

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>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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 (email shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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

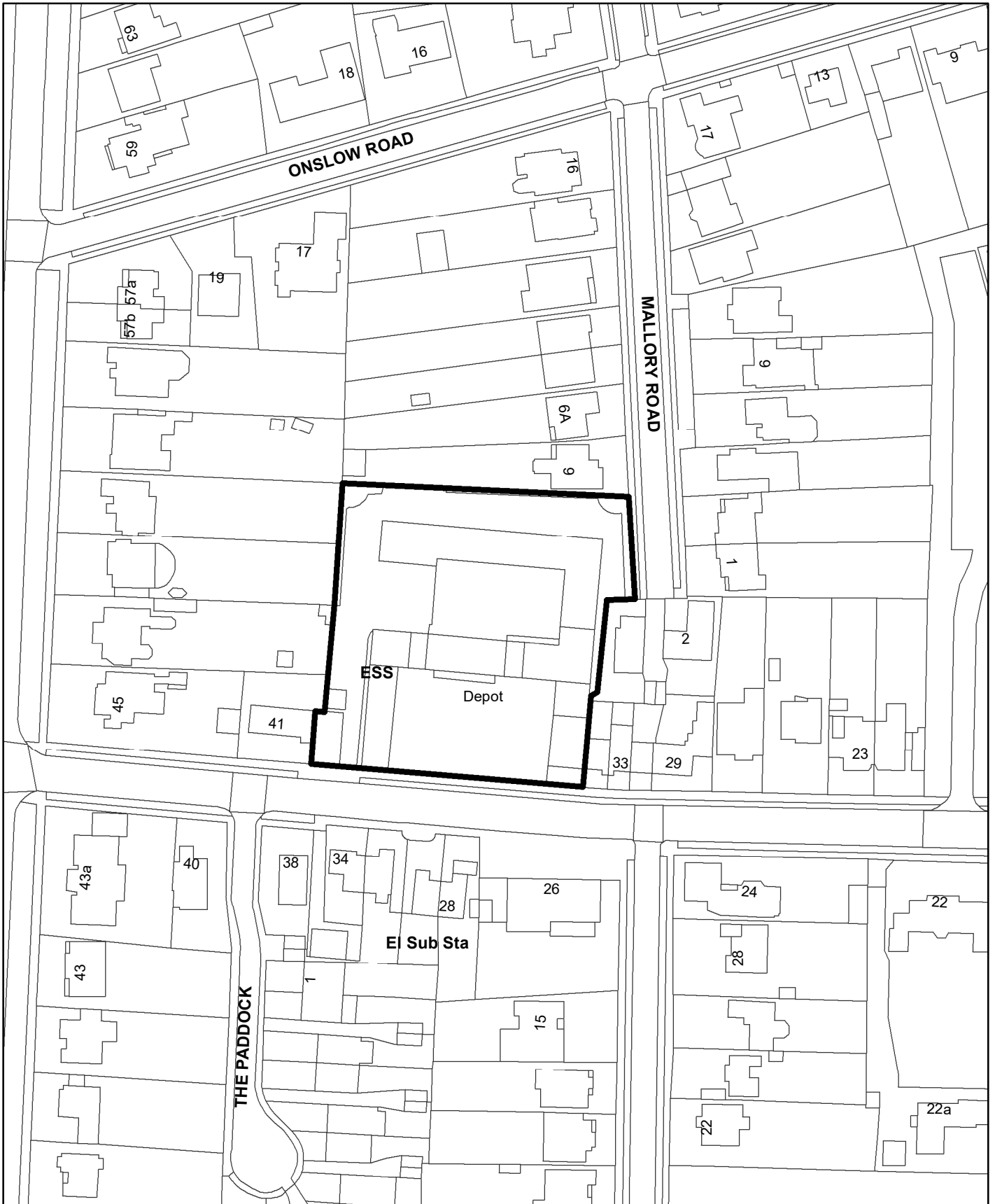
Date of Publication - Tuesday, 24 January 2023

ITEM A

**Former Dairy, 35-39 The Droveaway
BH2022/00456
Removal or Variation of Condition**

DATE OF COMMITTEE: 1st February 2023

BH2022 00456 - Former Dairy, 35-39 The Droveaway



N



Scale: 1:1,250

<u>No:</u>	BH2022/00456	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Dairy 35 - 39 The Droveaway Hove BN3 6LF		
<u>Proposal:</u>	Change of use from former dairy depot (B8) to mixed-use development comprising 19no. dwellings (Use Class C3) and commercial space (Use Class E), including erection of a new northern wing and a new central wing to courtyard; onsite car and cycle parking and associated works. (part-retrospective)		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	18.02.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20.05.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mialex Work.Life Core Brown Street Manchester M2 1DH		
<u>Applicant:</u>	Superstone Homes Ltd Former Dairy 35-39 The Droveaway Hove BN3 6LF		

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 July 2023 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of this report:

S106 Heads of terms

Affordable Housing:

- Secure on-site affordable housing of 3 units (2x affordable rent and 1x shared ownership)
- A Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution

Artistic Component

- Provision to the value of £19,470 towards an Artistic component to be provided on site

Employment and training

- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.

- £8,100 developer contribution toward the Council's Local Employment Scheme

Highway Works

The following highway works are required to be secured via a section 278/38 agreement:

- New vehicle crossover on Mallory Road
- Reinstatement of existing eastern crossover on The Drove way
- Reinstatement of existing crossover on western garage block as a grass verge
- Provision of two on-street loading bays.
- Making good of pavement and verge adjacent to new access on Mallory Road.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
(Note: Drawing list will be included on the Late Representations List)
Reason: For the avoidance of doubt and in the interests of proper planning.
2. Notwithstanding the site layout details as shown on the submitted drawings including site plan 2048-SK-122 Rev H, no development of unit 12 shall take place until a revised scheme for a reduced vehicular access and crossover from Mallory Road which serves one car parking space only (instead of two) and which retains the existing street tree and provides a boundary wall/fence, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained thereafter.
Reason: To ensure there is sufficient distance between the access and the existing street tree to ensure its healthy retention, in the interests of amenity and biodiversity, to comply with policies CP10 and CP12 of the Brighton and Hove City Plan Part One and DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPDS06:Trees and Development Sites.
3. The non-residential commercial uses hereby approved shall be retained as Class E use and shall not be used for any other purpose.
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 DM20 of the Brighton & Hove City Plan Part 2.
4. No activities associated with the non-residential uses hereby approved, including servicing and deliveries, shall take place outside the hours of 07.00 to 23.00.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
5. The development shall be constructed and laid out in accordance with the disabled bays shown on drawing 043-02-P101 rev 01 received on the 26th of July 2022. 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 staff and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

6. Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at 1-metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.
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.
7. Prior to first occupation of the development hereby approved, full details of a proposed external lighting scheme shall be submitted for approval by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.
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.
8. The construction of the development hereby approved shall be carried out in accordance with the approved CEMP 01 rev A received on the 17th August 2022.
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.
9. Not used (incorporated into condition 11)
10. The development shall be constructed in accordance with the ordnance datum levels shown on drawings 043-02-P105, 043-02-P106, 043-02-P108, 043-02-P112 and 043-02-P113 received on the 1st of November 2022.
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 the Brighton and Hove City Plan Part 2 and policy CP12 of the Brighton and Hove City Plan Part One.
11. 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, to include food-bearing 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, height, design, dimensions and materials, including gated access.
- d. details of all proposed areas of defensible space as shown on the proposed level 0 plan. The defensible space to the front of units 13-19 should be no less than 0.6m in depth.

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.

12. No further works shall take place on site until a scheme for the protection of the street trees alongside the boundaries of the site on Mallory Road and the Droveaway, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) has been submitted to the Local Planning Authority for written approval. 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 around the site during construction works in the interest of the visual amenities and biodiversity of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD06:Trees and Development Sites.

13. All hard landscape 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.

14. The development hereby permitted shall be carried out in accordance with the material schedule 043-MS-01 Rev B received on the 26th July 2022.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM21, DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton and Hove City Plan Part One.

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

completed to match the approved sample flint panel prior to the development hereby permitted being occupied.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM28 of the Brighton and Hove City Plan Part 2 and CP12 and CP15 of the Brighton and Hove City Plan Part One.

16. 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 policies DM18 and DM28 of the Brighton and Hove City Plan Part 2 and CP12 and CP15 of the Brighton and Hove City Plan Part One.

17. The cycle parking within the development hereby permitted shall be carried out in accordance with drawing 043-02-P101 received on the 26th of July 2022. The approved cycle parking 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.

18. The electric vehicle chargers within the development hereby permitted shall be carried out in accordance with drawing 043-02-P101 received on the 26th of July 2022. These charging facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. Plus passive bays shall be bought into active service in accordance with the approved arrangements.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.

19. The development shall be constructed in accordance with remediation strategy and verification plan received on 21ST December 2022 and plans 19-230-50-C1 and 19-230-51-C1 received 2nd December 2022.

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.

20. The layout and management/allocation of the vehicle parking areas within the development shall be carried out in accordance with drawing 043-02-P101 received on the 26th of July 2022. The approved layout and management arrangements shall be implemented prior to the occupation of the buildings and thereafter be retained and maintained.

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.

21. Not used.
22. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.
23. Unless otherwise agreed in writing by the Local Planning Authority, within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
24. The development hereby permitted shall be constructed in accordance with drawing 043-02-P107 which secures a dwelling for a wheelchair user. This 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 Brighton & Hove City Plan Part 2.
25. The development hereby permitted shall not be first occupied until all ecological measures and/or works have been carried out in accordance with the details contained in Ecological Design Strategy (Bakerwell, August 2022). and all measures shall be thereafter maintained in accordance with the details of the Strategy.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply 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.
- 26.
- (i). The development shall be constructed in accordance with the Remediation Strategy and Verification Plan received on the 21st December 2022, Preliminary Contamination Risk Assessment October 2017 received 11th November 2022, Existing and Historic Land use Assessment Rev received 17th August 2022, Ground water letter received 11th November 2022,

Preliminary information report by Geo Environmental received on the 17th of August 2022, and Phase 2 land contamination assessment dated May 2018, received on 26th July 2022.

- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written Verification Report by a competent person to verify that any remediation scheme required and approved under the provisions of condition (i) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

27. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling, for the residential and non-residential uses hereby approved, 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 the 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.

28. The development, including surface water drainage and means of foul water disposal, shall be constructed in accordance with remediation strategy and verification plan received on 21st December 2022, drawings 19-230-50-C1 and 19-230-51-C1 received 2nd December 2022 and drawings 21-077-52-B1 and 21-0777-53-B1 received 26th July 2022.

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.

29. Not used (amalgamated with condition 28)

30. If during site investigation on construction any asbestos containing materials are found, which present significant risk/s to the end user/s then: a) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

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

31. 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.

32. The level 1-bedroom windows in the northern elevation of unit 12 of the development hereby permitted shall not be glazed otherwise than with obscured glass up to 1.7m in height and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies DM20 and DM21 of the Brighton and Hove City Plan Part 2.

33. At least nineteen bee bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton and Hove City Plan Part 2, and Supplementary Planning Document SPD11 Nature Conservation and Development.

34. The development hereby permitted shall incorporate at least 27 (twenty seven) swift bricks/boxes within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One, DM37 of Brighton and Hove City Plan Part 2, and Supplementary Planning Document SPD11 Nature Conservation and Development.

35. All pantiles and plain clay tiles must be retained and reused as per the submitted Schedule of Materials Rev B – 26/07/2022. If any new tiles are required details of the new tiles must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the re-covering of the roofs. Development shall be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy CP15 of the Brighton & Hove City Plan Part One and DM28 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. A formal application for connection to the public sewerage system is required in order to service this development. Please read the Southern Water New Connections Services Charging Arrangements documents which has now been published and is available to read on the website via the following link: southernwater.co.uk/infrastructure-charges.
3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water for further information.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
6. 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.
7. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.

2. SITE LOCATION

- 2.1. The application relates to a vacant commercial site located to the north of The Droveaway, Hove. The wider area is predominantly residential, including mostly 2 storey buildings with traditional and modern design. There is a retail store on the south side of the street opposite.
- 2.2. This site is a locally listed heritage asset comprising single storey, early 19th century out-buildings associated with a larger dairy farm, and was used as a commercial dairy depot for many years until 2016. The site appears to have been used for dairy throughout its history, but historic mapping shows that the actual arrangement of buildings has altered over time. The Dairy Depot use of the site continued in some form until 2016 when the site was vacated and put up for sale. Some demolition and site clearance have recently taken place.

3. RELEVANT HISTORY

- 3.1. **BH2022/01506** Application for approval of details reserved by conditions 5(disabled parking),7(external lighting), 8(CEMP), 10(ground levels), 12(tree protection), 14(external surfaces), 17(cycle parking), 18(electric vehicle charging points), 19(drainage systems), 20(vehicle parking), 24(Building Regulations Optional Requirement M4(3)(2b)), 25(ecological design strategy), 26 (contaminated land), 27(refuse & recycling), 28(surface water drainage), 29(drainage strategy) and 30(asbestos) of application BH2020/00931. Withdrawn August 2022.
- 3.2. **PRE2021/00145** Pre-Application Enquiry proposing a series of minor amendments to the approved design and layout of the scheme approved in association with planning application Ref BH2020/00931. Written response issued November 2021. Summary: The proposals could be supported in principle however further amendments and justifications required.
- 3.3. **BH2020/00931** Change of use from former Dairy Crest depot (B8) to mixed-use development comprised of 19no. dwellings (Use Class C3) & commercial space (Use Class E), including partial demolition of the existing & erection of a new northern wing; erection of a new central wing to courtyard; onsite car & cycle parking; & associated works (Amended Plans). – Approved 22.06.2021
- 3.4. **BH2018/03798** Change of use from former Dairy Crest depot (B8) to a Mixed use flexible commercial development of 1435sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court-yard, onsite car parking, cycle storage and areas for storage of waste and recycling – Approved 18/09/2020
- 3.5. **BH2017/04050** Change of use from former Dairy Crest depot (B8) to Mixed-use flexible commercial development of 1383sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court-yard, onsite car parking, cycle storage and areas for storage of waste and recycling – Appeal Allowed 25/10/2019

4. APPLICATION DESCRIPTION

- 4.1. This application is a part-retrospective full planning application for the change of use of the former dairy depot to a mixed-use development comprising 19 dwellings and commercial space. The proposals include the erection of a new northern wing and a new central wing to the courtyard.
- 4.2. This application is a variation to the original planning permission BH2020/00931 and seeks permission for the development as a whole again.
- 4.3. The predominant differences between what is currently proposed and the approved scheme (BH2020/00931) relate to site and internal layouts, elevations,

roof design, materials, fenestration, amenity space, landscaping, cycle and bin storage. The part-retrospective elements relate to some demolition and site clearance that has occurred recently.

- 4.4. Following the approval of application BH2020/00931, the applicant undertook a review of the site and approved scheme and identified a number of opportunities to improve the external design and enhance the layout of the scheme. The applicant submitted a pre-application enquiry engaging with heritage and design officers.
- 4.5. At pre-application stage it was advised that the reformatting of the site offered the potential to create better amenity spaces and improve the quality of living accommodation across the site. It was acknowledged however that careful consideration should be had to ensure any such changes referenced the character and history of the site.

5. CONSULTATIONS

5.1. Internal:

5.2. Air Quality No objection

5.3. Arboriculture Comment

There is some doubt as to where it is possible to retain the existing street tree on Mallory Road given the proximity of the proposed new double vehicular access. If the tree requires removal this would only be accepted on the basis that two replacement trees within the public realm upon Mallory Road are planted. The location would be determined by the arboricultural department and financed by the developer and contributions secured towards maintenance.

5.4. Environmental Health: No Objection

Comments following the submission of additional information 17.11.2022

The Remediation Strategy and Verification plan for the site is acceptable in addressing the soil contamination found on this site.

- 5.5. Regarding the groundwater found in the initial site investigation, the Environment Agency should be consulted to ensure they are satisfied that this has been addressed.

5.6. Heritage Initial Comments 04.03.2022:

No objection is had to the design and layout changes proposed. However, it is unclear where all of the proposed external materials are intended to be used in the development. Annotated elevations and plans should be provided to clarify this. It is not clear how well the proposed plain clay tile product relates to the existing clay tiles on the main barn roof in terms of colour and finish.

Further comments following submission of additional information 05.07.2022

- 5.7. The new build central range should be finished in Ibstock Chailey Rustic (or similar). Drawing no. 2048-SK-126 B shows a brick soldier course to the flint

facing on the south end of the new central range. There is no local tradition for such soldier courses on flintwork and it was not shown on the approved elevations. It should be omitted so that the south end matches that of the existing east and west ranges.

- 5.8. The paving to the courtyards is to be 'Marshalls Drivesett Deco block paving [colour: Cotswold]'. This colour has no local precedent in historic settings - instead either 'he 'Traditional' or 'Cinder' colour should be used.

Further comments following the submission of a demolition plan 07.11.2022

- 5.9. There is a slightly greater amount of demolition to building C than under the approved plans. This has been explained within the 'proposals for demolition document' and that the demolished sections of wall were brick not flint and have been partially lost due to the approved layout. Whilst the document does not address the loss of the wall that is parallel with the southern elevation of building, it appears to have only partially been masonry. No objection to the additional demolition shown is had.

- 5.10. There appears to be discrepancies on the plans in reference to materials across the site. Conditions relating to materials and pantiles should be sought. The indicative approach to landscaping is an improvement but again full details should be conditioned.

- 5.11. **Sustainability** No objection

- 5.12. **Sustainable drainage** Comments following the submission of further information 07.12.2022
Adequate information has been provided in relation to the wider surface water drainage strategy.

- 5.13. **Sustainable transport** Comment
Further information required in relation to electric vehicle and motorcycle parking. The Construction Environment Management Plan is considered to be acceptable.

- 5.14. **Urban Design Officer** Comment: Summary - The proposals are generally an improvement upon the approved scheme.
Units 1, 2 and 3: Agree that changes to internal layout are an improvement. The position of small trees will help to informally demarcate defensible space.

- 5.15. Units 4, 7 and 8: Generally agree that changes to internal layout are an improvement. Uni- 4 - two en-suite bedrooms would benefit from being flipped so bedroom windows face south and bathrooms face north.

- 5.16. Units 5, 6 and C1: Proposed revisions are generally supported, especially the legibility of the western archway and enlivened frontage to the east courtyard. A refuse storage has been relocated to the north of Commercial Unit C3. This generates improvements to the street frontage, and the refuse storage area appears more spacious. However, it is unclear how refuse collection will

function. The general strategy to split residential and commercial activity between the two courtyards is supported.

- 5.17. New build central wing to front courtyard: Separating the new and existing roof forms is successful, respecting the form of the existing barn and appearing more like a farmyard cluster than a single extended building, and responding to the existing junctions between the main barn and the east and west ranges. The proposed roof form is now connected as an extension to the existing barn. This is also considered acceptable. Revised elevational detailing is an improvement, appearing contemporary in character whilst remaining sensitive to the heritage context. Larger apertures which align between ground and first floors generate the impression of continuous apertures from ground to eaves height as recommended. Eaves height appears to have been lowered to more closely match that of the existing east and west ranges. The horizontal band at 1st floor level has been retained, however this is less of a concern in light of revisions to apertures. As such, proposed revisions are supported.
- 5.18. Units 9, 10, 11 and 12: Generally, proposals are an improvement. Amended layouts improve amenity provision and quality, as well as internal daylight and outlook. The contemporary architectural character of this group of dwellings is also supported. Unit-12 - the glazed eastern gable presents a rather incongruous form / appearance as viewed from Mallory Road. To achieve outlook and light for this room, perhaps a south facing dormer window (similar to those in units 10 and 11) would be more appropriate and a solid gable would more sensitively address Mallory Road. Trees need to be protected.
- 5.19. North Terrace of Houses: Revised internal layouts are supported and it is agreed that the terrace presents a stronger and more legible identity than approved proposals. The architecture appears more refined and cohesive with other elements of the scheme. The stepped building line has been retained but the stepped eaves line has been omitted, which is supported and refines the expression of this terrace enough that the stepped building line is considered acceptable. Revised proposals indicate communal amenity space to front gardens to the south of the terrace, including natural play, food growth, natural planting and lawn area. This is strongly supported. However, no defensible space to adjacent dwellings is proposed. Even a small strip e.g., 600mm of planting in front of these dwellings would be an improvement and is recommended.
- 5.20. Landscape design: This is considered successful in principle.

External:

- 5.21. **Environment Agency** Comments following the submission of further information 28.12.2022
Sufficient information has been provided within the remediation and verification plan submitted to negate the need for pre-commencement conditions relating to land contamination. Sufficient information has also been submitted to address previous drainage concerns.
- 5.22. **Ecology:** No objection subject to conditions.

5.23. **Southern Water** No objection The proposed method of foul disposal is satisfactory.

5.24. **Sussex Police** No objection

6. REPRESENTATIONS

6.1. **Fourteen (14)** letters of representation have been received objecting to the proposed development on the following grounds:

- The revised location of the new bin store causing issues of noise and odour
- Increased roof heights
- Additional overlooking
- Roof forms are not typical of the area
- Pedestrian or vehicle access to the site from Mallory Road
- Increase in traffic and other highways issues
- Overshadowing and loss of light
- Non-compliance with policy
- Disruption during the build
- The proximity of the terrace to No.6 Mallory Road
- The changes proposed are not minor in nature
- Light pollution
- Impact on trees
- Impacts on drainage
- Unit 12 is of a larger volume than previously approved
- No construction traffic should be allowed down Mallory Road
- The application proposes numerous changes
- Dust during construction
- Proximity of the dwellings to No.6 Mallory Road
- Concerns over lack of landscaping details
- Construction traffic
- Units 11 and 12 appear at odds with Mallory Road
- Roofing materials not in keeping with Mallory Road
- Air pollution

6.2. Following a re-consultation process with neighbours a further **five (5)** letters of representation have been received objecting to the proposed development on the following grounds:

- Unit 12 is significantly larger in mass and height than the approved application
- The design of unit 11 is poor
- Limited detail given for landscaping
- Confirmation of no construction traffic to Mallory Road
- Further information required on drainage
- The removal of the healthy street tree on Mallory Road
- Oppose any new pedestrian link on Mallory Road
- The terraces are nearer to neighbouring properties

- Unit 12 is located nearer neighbouring properties causing overshadowing and loss of privacy
- Additional glazing to unit 12

6.3. **Conservation Advisory Group (CAG): Support:**

Providing assurance is had that the new terrace at the rear is not visible from the south side of The Drove way and confirmation of materials.

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 2 (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. RELEVANT 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

CP3 Employment land

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

CP15 Heritage

CP16 Open space

CP17 Sports provision

CP18 Healthy city

CP19 Housing mix

CP20 Affordable housing

Brighton & Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix

DM11 New Business Floorspace

DM18 High quality design and places

DM19 Maximising Development Potential

DM20 Protection of Amenity

DM22 Landscape Design and Trees

DM26 Conservation Areas

DM28 Local Heritage assets

DM33 Safe, Sustainable and Active Travel

DM36 Parking and Servicing

DM37 Green Infrastructure and Nature Conservation

DM40 Protection of the Environment and Health - Pollution and Nuisance

DM43 Sustainable Urban Drainage

DM44 Energy Efficiency and Renewables

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, affordable housing provision, housing mix, the impact of the proposed development upon the character and importance of the locally listed heritage asset and the wider area, impacts upon neighbouring amenity, sustainable drainage, sustainability, landscaping, ecology, trees and related traffic implications.

Principle of development

- 9.2. The principle of redeveloping the site was accepted under a previous approval (BH2020/00931). This approved scheme was considered acceptable in all regards and secured various details and measures by planning conditions and via a S106 agreement. This included some demolition works.
- 9.3. In terms of planning policy, there are considered to be no significant changes in circumstances or new material considerations since the original permission was granted, except the adoption of City Plan Part Two. There is not considered to be any significant changes to the aims of the policies that the previous application was assessed against and as such application BH2020/00931 is a significant material consideration in the determination of this planning application.

- 9.4. The report below concentrates on the changes made under this application to the approved scheme. The principle of the development, the proposed land uses, affordable housing provision, housing mix and the impact on the development on the character and appearance of the locally listed heritage asset were previously considered acceptable and this view remains.
- 9.5. Considering the changes proposed to the site layout, elevation and roof designs, fenestration and external amenity area changes, the main assessment set out below is primarily concerned with:
- the visual impact of the development on the character and appearance of the site and wider area, including heritage considerations
 - the standard of accommodation provided
 - any potential impacts on neighbouring amenity
- 9.6. These considerations are assessed against each respective part of the site for clarity, as set out below.
- 9.7. This application provides a revised scheme to the original approval which is led by design and layout changes. This follows on from pre-application advice provided in 2021, which included discussions with both Heritage and Design officers, and revised proposals have been submitted.
- 9.8. As acknowledged, some demolition works have taken place on the site prior to discharge of all relevant conditions associated with the earlier permission and, as a consequence, the current application is part-retrospective. A slightly greater amount of demolition has taken place to the northern part of the eastern range (Building C) than that under the previous 2020 approval. This has been explained in the 'Proposals for demolition' document submitted as part of this application.
- 9.9. It is noted that the demolished sections of wall were brick rather than flint and would have been lost owing to the layout changes proposed. Whilst the document does not address the loss of the wall that is parallel with building A, this again would be lost under the ground floor plan proposed. Overall, therefore, there is no objection from the Heritage team regarding the additional demolition.
- 9.10. The proposed scheme will deliver the same number of residential units and will largely comprise the same cumulative residential and commercial floor space as the approved scheme. The mix of housing units is largely the same as the approved application with the exception of unit 10 which as approved comprised a two-bedroom unit and as proposed comprises a three-bedroom unit. This new dwelling would still meet the national space standards for this housing type. This alteration is considered acceptable as a varied mix of units is still achieved across the site with 6 smaller two-bedroom properties proposed, in compliance with policy. It is important to note also, that each of the two-bedroom dwellings proposed on the site would exceed the minimum required space standard.
- 9.11. The previous application BH2020/00931, approved in November 2021, was accompanied by a Viability Assessment which concluded that the scheme was not capable of providing a full policy compliant scheme of 40% affordable

housing but could be viable with 3 units (16%) consisting of 2no. affordable rent and 1no. shared ownership. This current application was submitted in February 2022 and given that this application proposes alterations to an almost identical scheme that had a viability assessment submitted with it, this assessment is still considered to be valid for the purposes of this application.

- 9.12. The proposals also include the same main vehicular access and number of car parking spaces (with the reduction to one space on Mallory Road) and cycle parking spaces as the approved scheme.

Main changes compared to previously approved scheme

- 9.13. The proposed changes from the original 2020 scheme are summarised below.

Units 1, 2 and 3

- 9.14. These units are located to the south eastern corner of the site.
- 9.15. The internal floor spaces of these units have been reduced from 101sqm to 82.3sqm (which would still exceed the respective national space standards) and provide internal living spaces that are more suitable for future occupants. At ground floor the layout has been altered to provide a larger shared open plan kitchen/dining/living area provide a more flexible space for occupants. In addition, the first floor ensuite bathrooms have been removed.
- 9.16. The height, scale and roof form of these dwellings will remain consistent with the approved application. However, improvements have been made to the external design of the buildings by incorporating additional glazing at ground floor and a strip of rooflights which replace the two individual roof lights previously proposed. The use of strip roof lights on the eastern range is welcomed by the Heritage team.
- 9.17. The proposed site plan indicates how external areas within the courtyard would appear to be in the ownership of individual dwellings through the use of metal studs. However, it is considered that the position of small trees will further help to informally demarcate defensible spaces and these details are sought within the overall landscaping condition.

Units 4, 7 and 8

- 9.18. These units are positioned centrally within the site and are located adjacent to the archway which provides pedestrian access between the front and rear parts of the site.
- 9.19. The internal layouts of these units have been amended to create a more efficient layout. The relocation of the staircase in these units has improved the layout at first floor, by creating bedrooms that are less narrow and therefore accommodate likely furniture items more suitably. The position of the en-suites and bedrooms at first floor in these units has also been amended so that now the bedrooms proposed are south facing, thereby providing better living accommodation.

- 9.20. As approved, the private amenity space to unit 4 was to the north of the property. This has been altered and as such the amenity space for this unit is now proposed to the south, resulting in improved sunlight and daylight. Owing to layout changes with the adjacent unit to the east (which will be discussed later in the report) it is not considered that any harmful impact would result from neighbouring occupiers to this external space. A planting buffer is also proposed to the north of the property to maintain privacy levels, further details of which will be required as part of the overall landscaping condition for the site.
- 9.21. The proposals incorporate the removal of the north facing ground floor external amenity spaces as a consequence of relocating vehicle parking on the site to the rear boundary of units 7. A subsequent amendment to the scheme is the incorporation of balconies to units 7 and 8 to the northern elevation. These balconies will be raised above ground level to provide further privacy and usability. Whilst the amenity space represents a reduction from the approved scheme, given that the communal amenity space to the north has been improved and expanded this is considered acceptable and in accordance with policy DM1 of the City Plan Part 2.
- 9.22. Externally the windows to the northern elevation all now benefit from brick dress detailing as requested by Heritage officers. The southern elevations remain as approved.

Eastern and Western Courtyards and the re-arrangement of units 5, 6 and C1

- 9.23. The approved commercial unit C1 (located within the centre of the site) is proposed to be split and provide two commercial units (C1a and C1b), these two units will provide the same combined floorspace as that approved. The proposed Unit C1b will interchange positions with units 5 and 6. The result of this is that the western courtyard will as a whole become more commercial in nature. The removal of the grassed area from the historic western courtyard is welcomed by heritage officers and results in a more flexible courtyard area that will provide further opportunities for the commercial units. The proposals to split the residential and commercial activity between the two courtyards is supported.
- 9.24. It is considered that the relation of units 5 and 6 will allow for visual interest to be incorporated to the eastern elevation of the central wing and is also considered to result in a better outlook to the east and west for future occupiers.
- 9.25. As a result of these layout changes, the cycle stores will be relocated close to the frontage of the site which will improve accessibility. The refuse store has also been repositioned from the archway between units 4 and 8 to the west of the site, to the rear of unit C3. This generates improvements across the site and appears more spacious. Concerns have been raised however, by neighbouring residents with regards to issues of noise and odour. Further details have been provided by the applicant to advise that the refuse store will now be fully enclosed to mitigate these impacts. Full details of the refuse store are sought under condition 27. Discussions with city clean confirm that the location of the bin store is acceptable and is not considered to be at a distance that is too far for residents. The team did advise that were any future occupants in need of

assistance in this regard then it would be for the managing agents of the site to assist with this. City Clean also confirm that the refuse teams would walk into the site and collect refuse and recycling.

New central wing

- 9.26. The new central wing accommodates units 5 and 6 and commercial unit C1a.
- 9.27. The external design of this element of the scheme has been revised to ensure that the wing appears less domestic in appearance. As a result, the fenestration layout has been amended so that it adopts a less vertical emphasis. Larger apertures which align between the ground and first floors generates the impression of continuous apertures as recommended by design officers.
- 9.28. The plans show that the roof design has been maintained so that it joins the main barn in accordance with its original character and the overall height is reduced.
- 9.29. The amendments to the design of the new central wing and the retained barns satisfactorily reflect the pre-application advice that was given. It is noted that the scale of the central wing does not exceed that of the approved plans and indeed the ridge line is slightly lower due to a reduced roof pitch; this is considered to be acceptable as this is a clearly new element (albeit following a historic footprint) In accordance with policy CP15 of the City Plan Part One and DM28 of the City Plan Part 2.

Units 9, 10, 11 and 12

- 9.30. These units are positioned along the eastern boundary of the site, extending to the northern boundary.
- 9.31. Previously a terrace was proposed here. The applicant has advised of a number of issues with these units specifically relating to internal layouts, outlook, lighting. As a result of the proposals unit 9 has been reduced in size and is now positioned to the south of unit 4 and accessed from within the eastern courtyard. As a result, this property now benefits from an improved outlook and light levels. The previously approved private courtyard was surrounded by high walls and offered limited outlook to future occupiers. The revised layout allows for a larger courtyard which does not limit outward views.
- 9.32. The size and layout of units 10 and 11 have also been revised so that both units now form courtyard dwellings. Alterations to the plan form of the development mean that the now proposed unit 11 is positioned further south within the site adjacent to No.10, facing both east and west. These dwellings would however still feature a set back from the northern courtyard by way of a planting buffer. The dwellings would benefit from suitable light and outlook levels and feature external amenity spaces with greater privacy.
- 9.33. Unit 10 features an additional bedroom; the overall floor space of the building would still comply with national minimum space standards. Whilst this would alter the mix of units, this is not considered likely to impact upon the viability

assessment for affordable housing as submitted as part of the original application.

- 9.34. Amendments to the layout of the scheme result in the creation of a detached unit (12) in the north-eastern corner of the site. This property is positioned so that it provides a break from the rest of the terrace. As a result, this property now seeks to respond to Mallory Road in terms of its design. The visual break from the northern terrace is considered successful and avoids any awkward junctions between these two elements. It is confirmed that no communal access will be had into the site from Mallory Road, the steps to the western side of unit 12 provide access to this property's private rear amenity space.
- 9.35. The revised form and massing of the now unit 12, on the north-eastern corner has addressed the concerns set out by the Urban Design officer as part of the 2020 application. The gable ended roof form and eaves level are more in keeping with the character of other buildings on Mallory Road. The lower volume on the east also softens the visual impact of the otherwise relatively tall building here.
- 9.36. The contemporary architecture of this group of dwellings (10, 11 and 12) is supported. The solid roof form proposed to No.12 is also supported. Amended plans have been received during the lifetime of this application to overcome concerns by the design officer with regard to the glazed eastern gable of this property. Amendments have been received which reduce the level of glazing on the gable end to a single pane of glass either side of the central brickwork. This is considered an improvement. In order to not impact on light levels into this room, as recommended by the design officer, a dormer similar to that proposed on units 10 and 11 is proposed on the southern elevation. It is considered that this unit more sensitively address Mallory Road than the approved scheme in accordance with CP12 of the City Plan Part 1.
- 9.37. In terms of impact to neighbours, Unit 12 is positioned closer to the northern boundary than the approved scheme by approximately 2.3m. A separation distance would be maintained of 7.6m between the rear elevation of this unit and the northern boundary. No.6 Mallory Road is located immediately north of the site. The height of unit 12 which fronts Mallory Road has been reduced in height when compared to earlier schemes. The highest ridge point of the dwelling also does not exceed the 2018 application. It is acknowledged that this new dwelling will have some impact on the light levels received by the side windows of No.6 Mallory Road. However, it is noted that these are secondary windows to a kitchen and living room which also benefit from windows to the front or rear. The impacted window at first floor serves a bathroom. As such it is not considered that the development would result in harm so significant as to warrant the refusal of this application.
- 9.38. It is noted that objections have been received in respect of a lack of privacy towards this property. The windows facing on to the side elevation of 6 Mallory Road serve a central staircase and two first floor bedrooms, which would be comparable to the ground floor of properties on Mallory Road.

- 9.39. This new dwelling proposes two windows at first floor which serve bedrooms and provide outlook over No.6 Mallery Road. In order to prevent any harmful levels of overlooking and loss of privacy towards this property, it is considered suitable to condition these windows to be obscurely glazed up to 1.7m in height. Whilst it is acknowledged that for the rear bedroom in this unit, there would be limited outlook, on balance this is considered acceptable given the standard of accommodation throughout the rest of the property. As a result this element of the scheme is considered to comply with policy DM20 of the CPP2.
- 9.40. The new built form of unit 12 would be in closer proximity to an existing street tree on Mallery Road than the previous scheme approved in 2020. Unit 12 includes a new double vehicle crossover to serve this property. The crossover proposed is located south of the existing cherry tree.
- 9.41. The plans as originally submitted sought to retain this street tree, however, some doubt has since been expressed whether this would be compatible with the access. Retention of the tree is considered important for amenity and biodiversity reasons and therefore a condition is recommended requiring submission of revised plans showing one parking space and access (instead of two) located further away from the tree, to ensure it is retained. The applicant has agreed to submit revised plans showing a reduced access and the condition will be updated accordingly if this is received prior to the committee meeting. A further condition requiring tree protection details is recommended. It is noted that the arboriculture team would only consider the loss of the tree acceptable if 2 replacement street trees are planted and maintained. However, the retention of the tree is considered to be more important than provision of a double parking space and therefore it is recommended that the tree is retained and protected.

Northern Terrace (Units 13-19)

- 9.42. The approved terrace group to the north of the site are dominated visually by the provision of the main car parking area to the front elevation. This application seeks to relocate the parking area adjacent to the rear elevation of the central barn. A benefit of this is that new south facing communal lawned gardens will be created for residents. Amendments have also been provided to ensure that each of the terrace dwellings features defensible space to the front, consisting of planting. The windows within units 7 and 8 which are located adjacent to the new parking area have been increased in height to ensure acceptable levels of outlook remain.
- 9.43. The north facing rear terraces include a level change leading to the rear gardens. The approved scheme provided single aspect living spaces. The reduction of the number of units in this terrace from 8 to 7 allows for alterations to the internal layouts of these units.
- 9.44. The terrace features amendments to its external appearance such as the central section stepping forward. Whilst this does not reflect the simple, consistent building lines of the historic buildings, which is regrettable, it is not considered that this would cause any significant harm to the setting of the historic barns.

- 9.45. The external design of the dwellings has been amended to provide a simplified roof design and elevations that are more consistent with the character of the rest of the development. A similar level of glazing is proposed to the proposed ground and first floor levels to the rear elevation with simplified roof lights within the roof slope.
- 9.46. The roof form to the front of this terrace group has been amended which now results in a consistent ridge line. This now appears more refined than the approved 2020 application and more cohesive with other elements of the scheme.
- 9.47. The terrace has been increased in height above the 2020 application by approximately 0.6m. It should be noted however that the eaves height of the terrace is the same as that approved under the 2020 scheme. Further the terrace remains 0.9m below the approved 2018 scheme. A contextual long section has been provided to demonstrate and confirm that the terrace would not be viewed above the main barn when viewed at eye level from The Drove way thereby complying with policy DM28 of the City Plan Part 2.
- 9.48. The footprint of the terrace has positioned further north so that consequently the separation distances between the terrace and No.6 Mallory Road have been reduced. The greatest difference is to the eastern end of the terrace group. It is noted that this end of the terrace is more sensitive, being adjacent to the neighbouring building. The resultant terrace would be approximately 0.5m nearer than the approved 2020 scheme at this point. However, this distance isn't considered to result in a significant impact to the amenities of this neighbouring occupier in the context of the terrace as a whole which has been approved in principle. It is further noted that the central part of the terrace would also measure between 0.6 and 0.9m closer to the boundary however the relationship between the terrace and neighbouring occupier remains acceptable. The development is therefore considered to comply with policy DM20 of the CPP2.

Other matters

- 9.49. Given the part-retrospective nature of this application, information has been provided upfront in relation to ordnance datum levels, drainage and land contamination. Specialist consultee advice has been sought on these areas of the scheme.
- 9.50. The proposals include a surface water drainage strategy which incorporates infiltration via a soakaway and permeable paving. Furthermore, foul water is to be discharged to the existing foul sewer via existing connections. It has been confirmed by the drainage team and Southern Water that there is no objection to the drainage water strategy proposed.
- 9.51. With regard to land contamination on site, Environmental Health and the Environment Agency have been consulted on the information provided. During the lifetime of the application additional plans and documents have been provided in response to consultee comments. Following the submission of this further information, consultees are satisfied that issues surrounding land contamination have been addressed. The application secures a condition

requesting the submission of a verification report demonstrating the completion of works set out in the remediation strategy submitted under this current application and the effectiveness of the remediation.

- 9.52. Other documentation such as the Construction Environmental Management Plan and details relating to disabled parking, cycle parking, charging points, vehicle parking, asbestos and accessible dwellings have also been provided upfront as part of this application.
- 9.53. External lighting can be controlled by condition to prevent pollution.

Conclusion

- 9.54. Overall, the layout and design changes are considered an improvement to the 2020 approval on this site and are supported (provided revised access/parking to Unit 12 is secured).
- 9.55. It is acknowledged that there are some slight changes to the amenities of neighbouring properties, particularly as a result of the repositioning of the northern part of the site. However, on balance in the context of the approved application (BH2020/00931), the amendments proposed to the existing permission would not result in undue harm, and result in a more efficient use of the site and one which is sympathetic to heritage assets.
- 9.56. The proposal would make a positive contribution towards the city's housing supply, and is welcomed in accordance with policies CP12, CP14 and CP15 of the City Plan Part One, and Policies DM18, DM19, DM22 and DM28 of the City Plan Part Two.

10. BIODIVERSITY & CLIMATE CHANGE

- 10.1. This application makes efficient use of the existing site and buildings in a sustainable location, which is welcomed. The current site has limited biodiversity value. The previous permission holds weight and conditions were attached (and again now) to ensure the proposal will provide improved biodiversity with additional landscaping including food growing opportunities and habitat creation with the inclusion of swift boxes. Street trees would be retained. The proposals are considered to comply with policy DM37. In addition, sustainable measures such as cycle parking is to be provided on site and electric vehicle charging points for all dwellings.

11. EQUALITIES

- 11.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition, 5% of the new dwellings are to meet Wheelchair Accessible Standards.

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. It is estimated that the amount of CIL liability for this application is £425,721.56 (as previously). 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.

13. S106 AGREEMENT

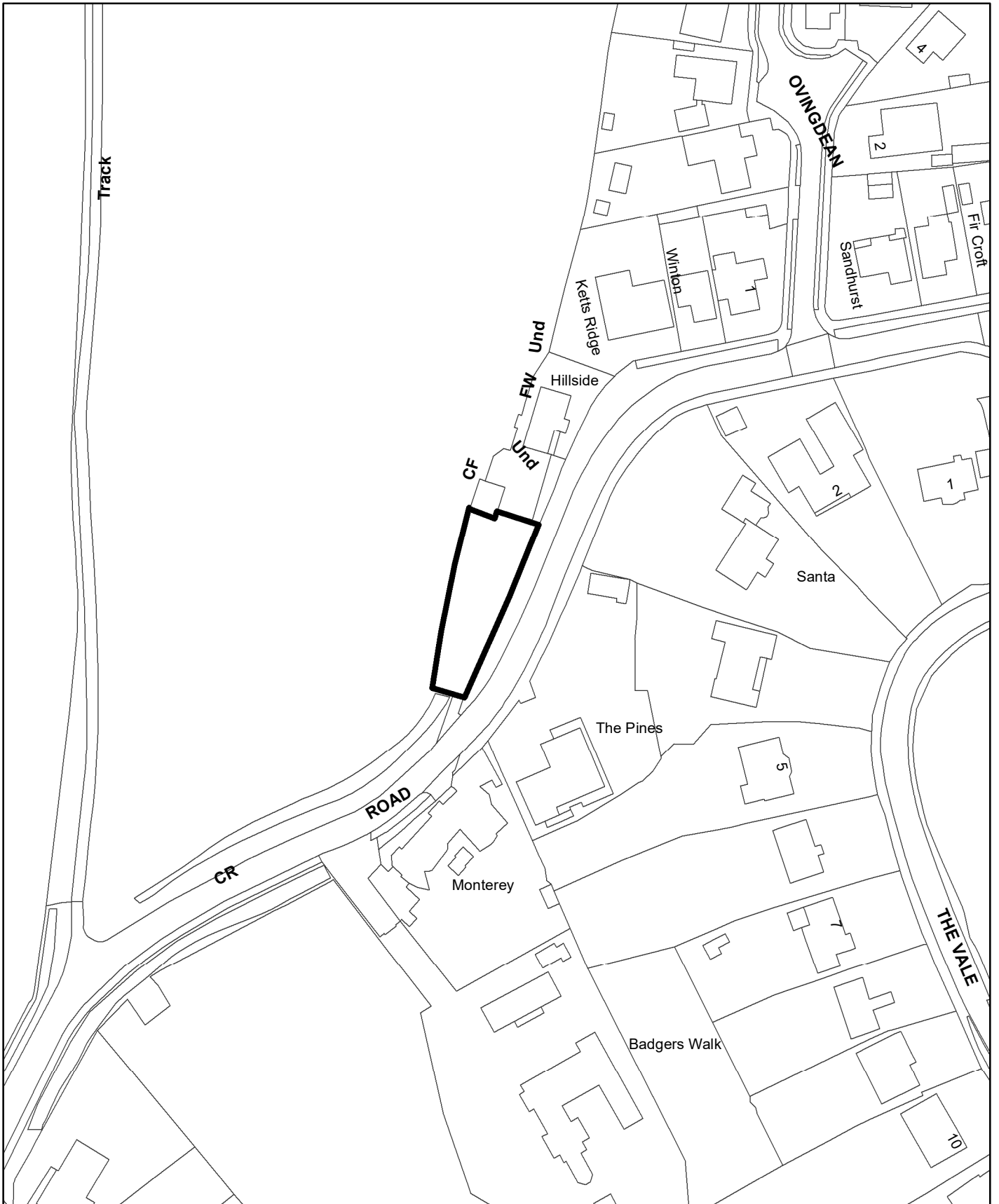
- 13.1. A S106 agreement is required for this application. Given the very similar nature of this application to that previously approved (BH2020/00931), the contributions and measures secured are no different to that previously agreed and are listed in the heads of terms.
- 13.2. In the event that the draft S106 agreement has not been signed by all parties by 1st July 2023, 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 financial contribution towards an onsite artistic component provision contrary to policies CP5, CP7 and CP13 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 5. The proposed development fails to provide required highway works on Mallory Road and The Drove way to comply with policies CP9 of the Brighton & Hove City Plan Part One and DM33 and DM36 of the Brighton and Hove City Plan Part Two.

ITEM B

**Land Adjacent Hillside, Ovingdean Road
BH2022/00287
Reserved Matters**

DATE OF COMMITTEE: 1st February 2023

BH2022 00287 - Land Adjacent Hillside, Ovingdean Road



N



Scale: 1:1,250

<u>No:</u>	BH2022/00287	<u>Ward:</u>	Rottingdean Coastal
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Land Adjacent Hillside Ovingdean Road Brighton BN2 7AA		
<u>Proposal:</u>	Reserved Matters pursuant to outline application BH2019/03135 for approval of layout, scale, appearance and landscaping relating to the erection of 1no. dwelling (C3).		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	16.02.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.04.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.06.2022
<u>Agent:</u>	Mrs Umut Gedik Kilic NARCH Design and Build 4th Floor Hamilton House, Mabledon Place, London, WC1H 9BB		
<u>Applicant:</u>	Mr Bulent Ekinci Black Homes Ltd, 5 Windsor Close, Hove, BN3 6WQ		

Background:

This application was originally presented to Planning Committee on the 5th October 2022. Members voted to defer at this committee, to take into account arboricultural comments.

In the intervening period, a site visit has been undertaken with the agent and the Council's tree officer. It has been agreed that landscaping would be re-added to this application to allow consideration of which trees would be affected / removed by the proposed building, the mitigation planting for the loss of trees and of tree protection measures. The application has been re-advertised accordingly.

This application seeks approval of landscaping as well as the other reserved matters.

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location plan	2112-01E	J	30 August 2022
Proposed Drawing	2112-01P	J	30 August 2022
Proposed Drawing	2112-02	K	8 December 2022
Proposed Drawing	2112-03	J	30 August 2022
Proposed Drawing	2112-04	J	30 August 2022

Proposed Drawing	2112-05	J	30 August 2022
Proposed Drawing	2112-06	K	8 December 2022
Proposed Drawing	2112-07	K	8 December 2022
Proposed Drawing	2112-08	K	8 December 2022
Proposed Drawing	2112-09	K	8 December 2022
Proposed Drawing	2112-10	K	8 December 2022
Proposed Drawing	2112-11	K	8 December 2022
Proposed Drawing	LPP 02		8 December 2022
Arboricultural Report	Arboricultural Method Statement		8 December 2022

2. 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:
 - a) all brick, tiling and render (including details of the colour of render / paintwork to be used);
 - b) all cladding to be used, including details of their treatment to protect against weathering;
 - c) the proposed window, door, Juliette balcony and column treatments; and
 - d) samples of all other materials to be used externally. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies CP12 of the Brighton & Hove City Plan Part One and DM18 of the Proposed Submission Brighton & Hove City Plan Part Two.

3. Notwithstanding the detail shown on drawing no. 2112-02 K, the development hereby permitted shall not be occupied until drawings detailing the positions, height, design, materials and type of all proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to 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 TR7 and QD27 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM33 of the Proposed Submission Brighton & Hove City Plan Part Two.

4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with Policies CP12 of the Brighton & Hove City Plan Part One and DM18 of the Proposed Submission Brighton & Hove City Plan Part Two.

5. 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 Policies QD27 of the Brighton and Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.

6. The landscaping scheme detailed on drawing no. LPP 02 received on 8 December 2022 shall be carried out in the first planting and seeding season following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner. Any trees shown to be retained on drawing no. LPP 02 shall be retained thereafter. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species.
Reason: To enhance the appearance of the development 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 DM18 and DM22 of the Brighton & Hove City Plan Part Two.
7. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the tree protection measures identified in the submitted Arboricultural Method Statement (David Archer Associates, received on 8 December 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 of the Brighton & Hove City Plan Part One and DM22 of the Brighton & Hove City Plan Part Two, and SPD06.

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 under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting

birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

2. SITE LOCATION

- 2.1. The application relates to a vacant plot close to a bend to the west side of Ovingdean Road, which slopes down steeply towards the east. A property called Hillside is located immediately to the north as is a substation, which has no direct access to the road. The site is mainly covered with 31 trees, eight of which are covered by a Tree Preservation Order (TPO), with two groups of trees. However, it is noted that four trees not the subject of a TPO were unlawfully felled on 11 July and most of the rest were subject to damage by chainsaws to sever ivy. The site is within the Urban Fringe, a Source Protection Zone and a Nature Improvement Area (NIA).

3. RELEVANT HISTORY

- 3.1. **BH2022/02350:** Variation of Condition 3 a) of outline planning permission BH2019/03135 to permit an additional year for all reserved matters to be submitted to the Local Planning Authority for approval. Approved 6 September 2022
- 3.2. **BH2019/03135:** Outline application with some matters reserved for erection of 1no. dwelling (C3). Approved 17 December 2019
- 3.3. **94/0405/OA:** Proposed chalet bungalow and garage. Refused 9 August 1994 for the following reasons:
1. The proposal represents a cramped and intrusive form of development out of character with the general form of existing development in the area which fails to satisfy Policy ENV1 of the Borough Plan.
 2. Inadequate visibility splays are provided at the junction of the access with the public highway.
 3. The development is unsatisfactory in that it would result in the loss of trees which are the subject of a Tree Preservation Order, to the detriment of the amenity of the site and the surrounding area.

4. APPLICATION DESCRIPTION

- 4.1. The current application is for the Reserved Matters pursuant to the outline permission BH2019/03135 relating to the erection of one dwelling (C3). The application seeks approval for the following outstanding Reserved Matters: layout, scale, appearance and landscaping. 21 trees and two groups of trees are proposed to be removed as part of the proposal.
- 4.2. Changes were made during the course of the application to
- remove the basement floor;
 - reinstate the vehicle turning area;

- reduce both the height of the dwellinghouse and the level at which it would sit within the site; and
- re-add landscaping into the application given the submission of sufficient information to support this reserved matter.

5. REPRESENTATIONS

5.1. **Twenty five (25) objections, three (3)** of which were from persons who are considered to be potentially directly affected, were received during the consultation period, including on behalf of **Ovingdean Residents & Preservation Society**. The objections raised the following issues:

- The screening of the development at Land South Of Ovingdean Road in views from the South Downs National Park would be compromised if the trees on site were to be felled, thereby adversely affecting the amenity of the area, wildlife habitats and attempts to counter global warming. There is no landscape plan submitted.
- It is still the case that the access would be on a steep hill near a dangerous blind bend, thereby posing a real danger to road users in both directions.
- The total floor area of the outline application appears to have been exceeded.
- A three-storey six-bedroom house on this plot represents overdevelopment.
- The size of the house is too tall and too large, out of keeping and out of proportion.
- There is little space for any cars to park at the proposed dwelling or to accommodate construction vehicles on site. A construction plan detailing safe delivery, loading and parking of construction vehicles should be required.
- Insufficient off-road car parking given the size of the proposed house
- Additional traffic
- The housing needs of Ovingdean are already being addressed.
- The plans do not show the height of the building above the edge of the field to the west, but some or all of the roof would be visible from across the valley, which would be detrimental to the ambiance of the area and out of keeping with the nearby conservation area.
- The infrastructure is not present to cope with the number of new inhabitants.
- This is not a suitable site for any development.
- It appears that the relative levels of the land involved may not have been properly recognised so it will be necessary for the developers to dig deep into the hill to create a suitable flat site.
- If a property and usable garden is to be built on this site a good many of the 30 densely packed TPO trees would have to be felled, which is considered unacceptable.
- No details of how the proposed property would be linked to the existing footpath to allow access for pedestrians and wheelchair users have been submitted.

- The substation is far too near to the property for safety and would limit access for maintenance.
- 5.2. Following the re-consultation of the application to include landscaping as a reserved matter, **four (4) objections** were received raising the following issues:
- Overdevelopment / overcrowding of a very inadequate plot.
 - The felling of mature trees, which causes even more serious flooding.
 - This would hugely affect the amenity of the site as well as nesting birds and other wildlife dependent on the woodland.
 - A dangerous entrance to the proposed property given the users of the fairly narrow road, the overwhelming traffic and inadequate roads.
 - Inadequate infrastructure in the whole area.
 - As the 2019 recommendation to grant states, this is a sensitive site, which is unsuitable, dangerous and impractical to build on and reserved matters should not be given approval.
 - The high number of replacement trees proposed will take many years to grow to replace the tree canopy that has been lost.
 - Bearing in mind the applicant's actions to date, it is questionable if the planting and maintenance schedule will be carried out correctly and if the new trees will be protected. It is essential that a TPO is put on all of them.
 - The revised site plans are unacceptable because they require too much upheaval of the surrounding earth, with the consequent effect on the trees.
- 5.3. **Councillors Mears and Fishleigh** have objected to the application and requested that the application go to Planning Committee. Copies of the correspondence are attached to the report.

6. CONSULTATIONS

- 6.1. **Arboriculture:** Recommend approval subject to conditions
The proposed landscaping is acceptable mitigation for the loss of current trees.
- 6.2. **Transport (verbal):** Objection
Comments made on the scheme as originally submitted:
- The site layout in terms of the turning area and access to the substation are not as approved. The turning area is wider and closer to the verge on the 'Existing Site Plan', but on the proposed plans is occupied by steps up to ground floor level and an entrance gate. The driveway does not allow sufficient space for a simple turning manoeuvre, thereby encouraging vehicles to reverse onto the public highway and from it onto site. Only pedestrian access is provided to the substation, which is likely to be unacceptable given there is no space for off-street parking for vehicles servicing it.
 - By proposing boundary treatment up against the access, this potentially reduces the visibility splays approved by the original application. However, it is noted that the gate is set back from the public highway, allowing

vehicles to wait on the site access before safely turning onto the public highway.

- Pedestrian access is a concern given that the entrance gate opens out onto the verge and that occupants and visitors would likely have to walk across the crossover.
- No cycle parking is provided.
- The amount of car parking is compliant.

6.3. The comments raised by the Transport team have been addressed through amendments.

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

CP12 Urban design

Brighton & Hove City Plan Part Two:

DM1 - Housing Quality, Choice and Mix

DM18 - High quality design and places

DM20 - Protection of Amenity

DM22 - Landscape Design and Trees

DM33 - Safe, Sustainable and Active Travel

Supplementary Planning Documents

SPD06 Trees and Development Sites

SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

9.1. The access to the development has previously been granted permission under the original outline permission BH2019/03135. The main considerations in the determination of this application relate to the layout, scale, appearance and landscaping of the proposed development.

9.2. Officers have undertaken a couple of site visits.

Principle of Development:

9.3. The principle of development has already been established through approval of the outline application and therefore does not form part of the consideration of this current application.

Layout:

9.4. The proposed layout is in compliance with the indicative plans submitted with the outline permission with the proposed dwelling being located to the northern end of the site close to the substation and nearer to the western boundary than the eastern to allow for a driveway and vehicle turning area. The layout of the proposed dwelling would result in the loss of a number of trees on the site, which is considered in the landscaping section below.

9.5. Access was previously approved at outline stage. As originally submitted, changes were proposed to the access, however, following amendments the vehicular route to the dwelling would be via the previously approved splayed driveway for vehicles. Sufficient space for a simple turning manoeuvre and the new pedestrian pathway linking in with the existing to the north are incorporated into the design. The pedestrian entrance gate initially proposed has also now been removed. Space is left to all but the north side of the proposed dwelling where access to the substation would be maintained, both from Ovingdean Road and the National Park.

9.6. The southern part of the site would partly be taken up by a patio area with steps down to the garden.

9.7. As this site very much sits independently of the nearest plots and the dwellings they contain, it is considered that there is no need for the layout and positioning of the proposed dwelling within the site to mirror or otherwise be consistent with other dwellings along this road.

9.8. In terms of the impact on neighbouring amenity from the layout, its positioning on site is considered to be sufficiently far from the closet dwelling (Hillside) not to have any material impact in this regard.

9.9. In terms of internal layout, the proposed dwelling would be five bedroom, ten person over two storeys. There is not a figure for this in the Nationally

Described Space Standard, which has been adopted by policy DM1 of City Plan Part Two. However, at 250m² it would comfortably exceed the standard for a five bedroom, eight person dwelling over two storeys of 128m². All the bedrooms would be sufficiently sized for double occupancy. It is considered that there is ample space for circulation and furniture, and that the layout is appropriate. Sufficient external amenity space would be provided in the form of a patio area and garden to the south.

- 9.10. It is noted that the site layout helps ensure that the proposed dwelling would comply with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings), as required by Condition 5 of the outline permission, through the provision of a disabled access ramp. It is also noted that the gradient of the driveway would be 6°, which equates to 10.5% or 1:10.5, and would be a fairly moderate slope. This is therefore acceptable for disabled access in this residential situation.
- 9.11. As such, it is considered that the layout is acceptable.

Scale:

- 9.12. The proposed scale is in compliance with the indicative plans submitted at outline stage with the proposed dwelling having a built footprint of 250m². It would be 16m long by 7.8m wide by 8.69m high with an eaves height of 5.77m. These dimensions are considered acceptable considering the size of the application site and neighbouring dwellings. The height allows for sufficient internal floor to ceiling heights of 2.55m on both floors.
- 9.13. Following concerns from Officers that the proposed dwelling could potentially be out of keeping with other dwellings to the north in respect of its height, a streetscene elevation was provided. This shows that the height of dwellings steps up the hill in a southerly direction. Ketts Ridge would step up to Hillside by 2.17m and the proposed dwelling would step up from the latter by 3.8m. Whilst this step up from Hillside to the proposed dwelling is by a greater amount than the step up from Ketts Ridge to Hillside, it is considered acceptable given the increased gap between the proposed dwellinghouse and Hillside and the fact that they are on a curved road where all the houses would not be seen together. The distance between the eaves and roof ridge on the proposed dwelling has, however, been reduced in height to be more consistent with those on Hillside and Ketts Ridge.
- 9.14. A topographical study has also been carried out to inform the levels on site, the land level the dwelling would be sited upon and the extent of any excavation that would need to be carried out. By building the proposed dwelling 2m below the natural ground level, this would also help mitigate the impact on the closest neighbouring dwelling, Hillside, and its garden in respect of being overbearing. In light of the changes to the height of the proposed dwelling and the level of the land it would be built upon, and a maximum of 6.4m of the proposed dwelling being visible from the garden of Hillside (as shown on Proposed Section A-A), it is considered not to be overbearing that would justify refusal of the application and the impact on neighbouring amenity would be acceptable. There would be no material impact on outlook, daylight or sunlight

from the scale of the proposed dwelling. To ensure the development is built in accordance with the this, a land levels condition is recommended.

- 9.15. As such, it is considered that the scale is acceptable.

Appearance:

- 9.16. The building would have a pitched roof with hips to the northern and southern sides as well as projecting gables to the eastern (front) and western (rear) elevations. The front projecting gable end would incorporate semi-circular arched glazing with a multi-pane glazing pattern. Other front and rear elevation windows would also feature a multi-pane glazing pattern. The first floor fenestration would be full-height and feature juliette balconies. The southern elevation would feature two double doors and two single pane first floor windows. The roof would have a substantial overhang to the front elevation supported by four columns, each of which would be split into two by prominent horizontal banding between the ground and first floors. The central-most columns would flank the front door, which would be mostly glazed in a four-over-four pattern.
- 9.17. The external design would therefore feature classical architectural features, such as the columns that are distinctive of the Georgian period, interspersed with contemporary design elements such as the door to the integral garage and ramp. The semi-circular arched glazing would have the effect of highlighting the entrance to the proposed dwelling.
- 9.18. The site is located within Ovingdean, which can be characterised as a downland settlement. The areas closest to the application site are characterised as very low density suburban style housing. Although in general the buildings are not of any significant architectural merit and lack any unifying features, the generally spacious setting and wider landscape, including the backdrop of the South Downs National Park (SDNP) combine to provide an attractive environment.
- 9.19. Therefore, whilst the proposed mix of styles is not entirely cohesive, no objections are raised to the design approach for this proposed detached dwelling, which is unlikely to be viewed in conjunction with the nearest residential properties and therefore not considered to be unacceptably incongruous.
- 9.20. No details of materials have been provided, but it is recommended that these are secured by condition.
- 9.21. Turning to amenity, there would be no material impact on privacy from the windows within the proposed dwelling given the lack of windows and external amenity area to its northern side.
- 9.22. In terms of boundary treatments, these too are recommended to be secured by condition. It is, however, important that the front boundary / retaining wall is not any higher than 0.6m so as to not impede visibility splays. If required for privacy or security reasons, railings can be added up to 1.4m on top of the

wall. It has also been agreed that an appropriately fire rated composite fence and gate would form the western boundary of the access to the substation.

- 9.23. As such, it is considered that the appearance is acceptable, subject to the imposition of conditions.

Landscaping:

- 9.24. As previously advised, the scheme as originally submitted included landscaping, which was subsequently removed during the consideration of the application as insufficient information has been submitted. It has been re-added for the reasons previously outlined following the receipt of further information. Following this, the Council's Arboriculturalist supports the proposal subject to conditions mentioned below.
- 9.25. An Arboricultural Method Statement (AMS) has been submitted, which covers site supervision and monitoring; tree removals; tree protection fencing and other preventative measures; excavation; and landscaping. It also includes a tree schedule, Tree Protection Plan and Structural Tree Planting Plan.
- 9.26. 21 trees and two groups of trees are proposed to be removed, of which four have already been felled to stump level. This includes the eight trees and one group of trees covered by the TPO. Whilst regrettable, in this instance it is considered acceptable given the comprehensive mitigatory planting proposed, which is recommended to be secured by condition. This comprises 27 substantial extra-heavy standard trees (with a trunk girth of 14-16cm and a height of over 3m as shown on the landscaping plan), which is a replacement ratio of at least six trees for each tree removed. These would provide instant visual impact to terms of screening the development now and into the future as well as a biodiversity net gain and a habitat for wildlife. They would be planted at key strategic locations within the site where they would be most effective, have room to establish and provide valuable canopy cover into the future. On the east side, tree species have been selected for their resilience to harsh coastal conditions and positioned to provide a buffer to the site. Suitable evergreen, woodland, understorey trees are proposed that provide additional greening of the site. Moreover, the chosen species of trees are predominantly native, in keeping with the natural surroundings and seek to provide fruits and seeds for wildlife.
- 9.27. Those trees not affected by the footprint of the building and its associated hard surface treatments including retaining walls would be retained. As such, the garden space is dense with canopy cover due to the retention of trees, which is conditioned.
- 9.28. The landscape plan makes provision to increase planting across the whole site with particular emphasis on the boundaries east, south and west. Planting is proposed from ground level upwards beginning with a mixed native hedgerow skirting the boundary. 20 shrubs are also proposed along with a 'pictorial' meadow to the front of the approved dwellinghouse that would provide a striking impact in views from the streetscene due to its colours during spring and summer seasons. The submitted landscape planting plan also includes a

five year maintenance plan and a commitment to replace the loss of any trees within the first five years with identical species.

- 9.29. As such, it is considered that the appearance is acceptable, subject to the imposition of conditions to ensure the implementation of the landscaping scheme and the erection of the tree protection measures prior to work commencing as well as their retention throughout the construction process.

10. CONCLUSIONS

- 10.1. The proposal for the approval of reserved matters relating to layout, scale, landscaping and appearance are considered to be acceptable and would not result in a significant deviation from the scheme approved at the outline stage. It remains a policy compliant development which would provide an additional unit of residential accommodation in Ovingdean to meet a recognised need. Whilst the loss of trees are regrettable, it is considered that suitable mitigation is provided. The proposal would be compliant with Policies SA6 and CP12 of the City Plan Part One and DM1, DM18, DM20, DM22 and DM33 of the City Plan Part Two. As such, this application is recommended for approval.

11. EQUALITIES

- 11.1. The proposed dwelling would be designed in accordance with Building Regulations Optional Requirement M4(2) and would therefore be fully accessible and adaptable.

12. CLIMATE CHANGE / BIODIVERSITY

- 12.1. The proposal would provide sufficient daylight and sunlight via openable windows to all habitable rooms, thereby reducing reliance on artificial means of ventilation and heating. The harm to biodiversity through the damage caused to trees is to be offset by the proposed landscaping scheme, including 27 new trees, a native hedge and an area of meadow.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

Cllr. Mary Mears

BH2022/00287 - Land Adjacent Hillside, Ovingdean Road

1st March 2022:

For the approval of layout scale, appearance and land scaping relating to the erection of 1no dwelling (C3) Land Adjacent Hillside Ovingdean Road Brighton Bn2 7AA.

As a ward councillor for Rottingdean Coast I wish to object to the above application for the following reasons:

In my view this is a completely inappropriate development, to put a 6-bedroom 3 storey house on this tiny plot, The site is situated on the steep part of Ovingdean road on a blind bend on the left as you go down.

There are a large number of healthy trees on the site all with TPOs on them, which would need to be felled to accommodate this development, and is close to a wild- life corridor.

An application to build on this site was previously turned down some years ago because of the traffic dangers, this being a blind bend, which is still the case. Access to this site on a bend will in my view cause serious problems for traffic in the area.

This application is also much larger than the planning permission originally given in 2019 for a 2 storey development.

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



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

Cllr. Bridget Fishleigh

BH2022/00287 - Land Adjacent Hillside, Ovingdean Road

1st August 2022:

I am horrified that trees with TPOs have been felled and damaged to make way for this proposed dwelling.

I am writing to request that this application comes to planning committee for discussion if officers are minded to grant.

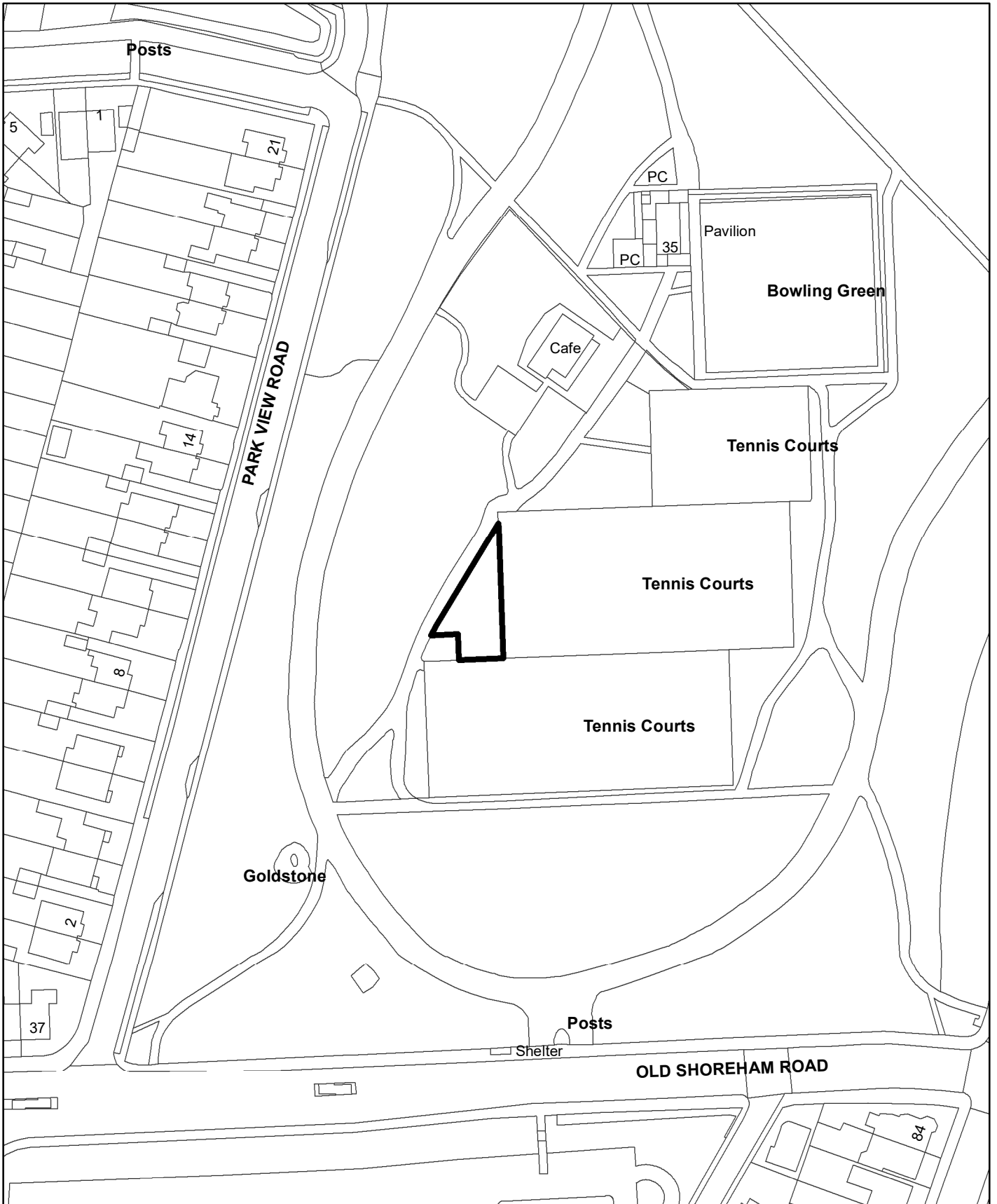
I am pressing BHCC to penalise the land-owner through prosecution or a hefty fine.

ITEM C

**Tennis Courts, Hove Park
BH2022/02299
Full Planning**

DATE OF COMMITTEE: 1st February 2023

BH2022 02299 - Tennis Courts, Hove Park



N



Scale: 1:1,250

<u>No:</u>	BH2022/02299	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Tennis Courts Hove Park Old Shoreham Road Hove BN3 7BF		
<u>Proposal:</u>	Erection of single-storey timber pavilion adjoining existing tennis courts incorporating covered terrace, cycle storage, associated landscaping and fencing.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	08.08.2022
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	03.10.2022
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	
<u>Agent:</u>	Harp & Bright Ltd 64 Byron Street Hove BN3 5BB		
<u>Applicant:</u>	Hove Park Tennis Alliance Hove Park Tennis Courts Old Shoreham Road Hove BN3 7BF		

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 proposed development will result in the loss of a Council-owned White Mulberry tree due to it creating an unacceptable accumulation of development around said tree (detrimentally impacting on its root system) and requiring significant pruning. Loss of this tree would represent harm to the visual amenities of the area and local biodiversity, contrary to policies CP10 and CP13 of the Brighton & Hove City Plan Part One, and DM22 and DM37 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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location and block plan	1040/1.001	-	18 July 2022
Proposed Drawing	1040/2.001	-	29 September 2022
Proposed Drawing	1040/2.002	-	12 September 2022

2. SITE LOCATION

- 2.1. The application site is a triangular area of land within the locally listed Hove Park, wedged between the west boundary of the tennis courts and the public footpath just south of The Pavilion Tea House. The site is designated Open Space and a Nature Improvement Area.

3. STATEMENT OF SIGNIFICANCE

- 3.1. Formerly part of the Stanford Estate and used for market gardening and agricultural land, the land forming Hove Park was purchased by Hove Borough Council for use as a public park on 30th October 1899. The southern part of the park was officially opened on 24 May 1906 with further sports facilities and a drinking fountain added by 1908. Works to the northern half of the park continued over the next decade. The designs had to respect The Droveaway, which formed an ancient droving route across the area.
- 3.2. The sports facilities are focussed to the south of the park, with grassed areas and mature trees to the north. Along Old Shoreham Road, there is a terracotta structure housing a plaque to commemorate the opening of the park. In the southwest corner is the 'Goldstone'. It likely formed an outlier to a stone circle in the area, and was known as a 'Druidical stone'. It was re-erected in its current location having been buried for many years. The pavilion dates from 1925, originally containing a café, dressing rooms and toilets. Wooden fencing surrounding the site was removed in 1937 in order to make the park more accessible. The miniature railway opened in 1951 (formerly at Withdean Olympic Stadium).

4. RELEVANT HISTORY

- 4.1. **BH2021/04182** Installation of court lighting to tennis courts 1 - 5. Approved
- 4.2. **BH2017/03861** Alterations to multi use games area incorporating replacement of existing fencing with new fencing and creation of storage area. Approved

5. RELEVANT HISTORY AT OTHER SITES

- 5.1. **BH2017/02805 - The Pavilion Tea House** Erection of single storey cafe to replace existing cafe (A3), including w.c. facilities and external covered seating. Approved

6. APPLICATION DESCRIPTION

- 6.1. Planning permission is sought for the erection of a single-storey building providing seating and refreshment areas, WCs and ancillary storage, with associated landscaping. The building would be associated with the use of the adjacent tennis courts, providing facilities for court-users. It would be separated

from the public footway behind 3.0m high fencing. Secure cycle parking facilities would also be sited adjacent to the building.

7. REPRESENTATIONS

7.1. **One (1)** representation has been received, objecting to the proposal on the following grounds:

- Loss of a hedge and habitat

7.2. **Twelve (12)** representations have been received, supporting the proposal on the following grounds:

- Improved community facilities including storage, WCs and cycle parking

8. CONSULTATIONS

8.1. Arboriculture

This application is in close proximity to a mature White Mulberry, flanked on two sides by previous sports development. The stem is within 2.5 metres of the proposed structure, with the canopy overhanging a significant portion of the proposed structure. The tree will require facilitation pruning to enable even one storey. Using BS 5837: Trees in relation to design, demolition and construction - Recommendations; the exclusion / ground protection zone works out at six metres, this is calculated by multiplying the circumference of the stem by 12, incursion into this area will have a significant impact to tree vitality, anticipated root severance from the foundations. The application has advised the use of screw piles, however, they can add complexity regarding the number, depth & diameter required for the proposal, the access proposal for the piling rig & the delivery of construction materials (we would not condone facilitation pruning to adjacent trees), site storage; the area also has a high density of trees adjacent to the pedestrian pathway to the west. The majority of the proposal is within the root protection area (RPA) of T1 - Mulberry, how is the applicant proposing to connect to utilities without the requirement to trench within this exclusion zone? Any excavation or non-permeable surfacing within this area must be avoided.

8.2. The applicant has not provided an arboricultural impact assessment or information on proposed tree protection measures, as such BHCC Arboriculture wish to see this development proposal refused due to the anticipated detrimental impact upon a high amenity parks tree, both during the construction phase and expected post development pressure to prune/remove due to shading, leaf drop and the increased perceived risk of a tree in such close proximity.

8.3. City Parks

The proposal annexes off a section of the park for semi-private use and continuing the fence line around the building to match the existing high courts fences reinforces the space as 'not for the public.'

8.4. The location chosen puts pressure on a nearby tree and it also reduces the sight lines through the space and could create a less comfortable environment for

pedestrians. Leaving a gap of 1.5 metres or more from the path would reduce this visual impact.

8.5. Heritage
No Comment

8.6. Sports Facilities

The BHCC Sports Facilities Team support the provision of better ancillary facilities to ensure the long term financial sustainability and management of sports facilities by community groups.

8.7. However, this scheme unfortunately does not appear to be aligned with longer term plans City Parks colleagues hold in relation to the integration of the various parks buildings and there also seems to have been a lack of engagement with other potential user groups such as the Football group that are adjacent.

8.8. Sports Facilities regretfully are therefore not able to support the current proposal although in principle feel the delivery of a clubhouse could help with the long term sustainability of some of the sports clubs/facilities in Hove Park if it was delivered in a more co-ordinated way.

8.9. Transport
Comments regarding initial submission

No Objection. Access to the tennis courts remains unaffected. The proposed pavilion will be step-free, facilitating access for all. The proposed development is within proximity to Hove Station and a number of frequent bus services enabling access to/from the site via sustainable transport modes. Furthermore, the proposed development includes cycle storage for six bicycles; however, there appears to be an existing tree trunk in front of the bicycle parking potentially obstructing access. Details of cycle parking demonstrating unobstructed access should be secured by condition. *

**Since the receipt of these initial comments, the proposed cycle parking has been relocated away from the tree. It is considered that this issue has been addressed in principle.*

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
 SA6 Sustainable Neighbourhoods
 CP8 Sustainable Buildings
 CP9 Sustainable Transport
 CP10 Biodiversity
 CP11 Flood Risk
 CP12 Urban Design
 CP13 Public Streets and Spaces
 CP15 Heritage
 CP16 Open Space
 CP17 Sports Provision

Brighton & Hove City Plan Part Two (CPP2)

DM9 Community Facilities
 DM18 High quality design and places
 DM20 Protection of Amenity
 DM22 Landscape Design and Trees
 DM28 Locally Listed Heritage Assets
 DM33 Safe, Sustainable and Active Travel
 DM35 Travel Plans and Transport Assessments
 DM37 Green Infrastructure and Nature Conservation
 DM40 Protection of the Environment and Health - Pollution and Nuisance
 DM43 Sustainable Drainage

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3 Implementing the Waste Hierarchy

11. CONSIDERATIONS & ASSESSMENT

- 11.1. 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 park visitors; on highway safety; on biodiversity; and on the significance of heritage assets in the vicinity.

Principle of Development

- 11.2. The application site lies within Hove Park which is designated Open Space and proposes improved Sports Provision; therefore, policies CP16 and CP17 of the CPP1 are relevant.
- 11.3. Policy CP16 states:
'Planning permission resulting in the loss of open space...will only be granted where:
- The proposed development is ancillary to the use of the open space and will result in only a small loss of open space, provides improvements to and better use of the remaining space and optimises public access; or...'*
- 11.4. It is considered that the development would improve the provision of tennis facilities in Hove Park by providing storage, cycle parking and refreshment facilities. It is considered that loss of some of the Open Space is justified in this instance.
- 11.5. Policy CP17 states:
To facilitate the council's aspiration to increase participation in sports and physical activity, the council will safeguard, expand, enhance and promote access to Brighton & Hove's sports services, facilities and spaces through the following:
- Require the retention, seek the enhancement and more effective use of existing indoor and outdoor sports facilities and spaces in accordance with the Sports Facilities Plan and the Open Space, Sport and Recreation Study and subsequent approved revisions, audits and strategies...*
- Require new development to contribute to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces to meet the needs it generates...*
- New sports services, facilities and spaces (including extensions to existing provision) will be encouraged especially those that meet identified needs. All new provision should meet quality standards, optimise their accessibility and affordability to all users, including the local community and visitors. Proposals should seek to improve the variety of provision in the city and increase participation in sport and physical activity, especially from sectors of the community currently under represented.*
- 11.6. As outlined above, the proposed development would result in an improvement to the tennis offer at Hove Park by creating storage areas, WCs, a refreshment area and cycle parking.
- 11.7. In principle, the erection of a clubhouse replacing an area of open space is acceptable, however, there are concerns that the proposed development would serve only users of the tennis courts and a better approach would be to have a single building that could serve multiple groups, in particular users of the football pitches that adjoin the tennis courts. To permit a building for each group would not be a particularly efficient use of space. However, whilst a concern and in

some respects a missed opportunity, it is not considered that this issue would constitute a reason for refusal of planning permission.

Design and Appearance

- 11.8. The proposed outbuilding is considered to be acceptable in terms of general form and scale; it includes a modern sloped roof design and lightweight materials such as timber and large areas of glazing.
- 11.9. There are concerns about the additional fencing that would run along the western edge of the site, cutting the new building off from the public realm and reducing accessibility to it. This could also detract from the open character of the land and create a less inviting atmosphere, as identified by the City Parks team. It was suggested to the applicant during consideration of the application to remove the fencing, however, they have not chosen to pursue this option, citing security concerns. Whilst the location of this fencing is not considered to enhance the area, it is not considered so harmful as to warrant a reason for refusal of planning permission.

Impact on Heritage Assets

- 11.10. Hove Park is a non-designated heritage asset; the southern half of the park has been in use for sports-related activities since as early as 1908 and remains in such use to this date. Given the developed setting of the proposed development (i.e., adjacent to tennis courts and nearby to several other buildings) and its use to support sports functions, it is considered that it would have a neutral impact on the significance of Hove Park itself.
- 11.11. The proposed development is a sufficient distance from the Engineerium Conservation Area (and the listed building within it) that it should have no impact on the historic significance of these designated heritage assets.

Impact on Amenities

- 11.12. It is not considered likely that the proposed development would have any significant impact on the amenities of any person. It is sited in the middle of a public park, distant from any private properties, and is not of a scale or use that is considered likely to result in any significant noise output; there are no concerns in this regard.

Impact on the Public Highway

- 11.13. The proposed development is adjacent to the public highway and as abovementioned, would serve to create a sense of enclosure between the proposed fencing and building flank, and the existing trees and hedges on the west side of the footpath. As well as reducing pedestrian desire-lines, this would fail to maintain, improve and/or provide accessible routes that are easy, convenient and safe to use, and so would be contrary to policy DM33 of the Brighton & Hove City Plan Part Two.
- 11.14. The proposed development includes cycle parking provision, and this is welcomed in principle.

Biodiversity & Arboriculture

11.15. Policy CP10 of the CPP1 states:

The council will develop programmes and strategies which aim to conserve, restore and enhance biodiversity and promote improved access to it through the following:

Ensure that all development proposals:

- a) Provide adequate up-to-date information about the biodiversity which may be affected;*
- b) Conserve existing biodiversity, protecting it from the negative indirect effects of development, including noise and light pollution;*
- c) Provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and*
- d) Contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development.*

11.16. Policy DM22 of the CPP2 states:

Development proposals will be required to retain, improve and wherever possible provide, appropriate landscape elements/landscaping, trees and planting as part of the development taking into account the need for:

...

- c) accurate identification of all existing trees, shrubs, hedgerows and landscape features;*
- d) the retention of existing trees and hedgerows with details provided of appropriate protection during construction.*

...

Works to a protected tree will be permitted only where they do not damage the amenity value and health of the tree and/or are the minimum consistent with good arboricultural practice.

The felling of a protected tree will only be permitted where it is severely diseased or dangerous, or, it is necessary to accommodate development of national importance which cannot be located elsewhere; and, a replacement tree is provided of a type, size and location to the satisfaction of the council.

11.17. Policy DM37 of the CPP2 states:

Development should avoid adverse impacts and seek to conserve and enhance biodiversity and geodiversity features ensuring:

- accordance with the mitigation hierarchy requirements of the NPPF*;*
- an additional measurable net gain in biodiversity is achieved;*
- that recognised protected and notable species and habitats are protected and supported;*
- that appropriate and long-term management of new or existing habitats is secured and opportunities to connect habitats are secured to ensure a network of nature recovery;*

**Paragraph 180 of the NPPF states:*

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*

- 11.18. It is noted that the development is built upon a mainly grassed area with the only significant biodiversity being a hedgerow and a mature White Mulberry. Although biodiversity improvements such as a green roof and wildflower planting have been included in the proposed development, it is considered that loss of the existing biodiversity, in particular the potential loss of the tree due to the impact of the development upon it, would represent a significant and avoidable loss. It is therefore considered that the policy requirement to retain trees on site has not been met; there is ample space elsewhere in the park for a development of this scale where it would not impact on any trees, and the City Parks team has suggested an alternative location. The development is sited too close to the mature White Mulberry tree and is considered unacceptably likely to result in the loss of this tree, even when considering the construction method using ground screws instead of more substantial footings. In addition to the likely root damage, the structure itself would intrude into the relatively low-lying canopy of this tree and require significant facilitation pruning, which would further reduce the health of this tree. Given that this potential impact is avoidable by relocating the development, it is not justified, and the development is contrary to policies CP10 of the CPP1, and DM22 and DM37 of the CPP2.

Conclusion

- 11.19. The proposed development is considered acceptable in terms of appearance and the impacts it may have on the amenities of local residents. The public benefits of the scheme providing an improved tennis offer at Hove Park are acknowledged. However, the proposed building would be sited unsuitably close to a mature White Mulberry tree and it likely to cause the loss of this tree due to root damage and facilitation pruning.
- 11.20. For the foregoing reasons the proposal is considered to be in conflict with policies CP10 and CP13 of the Brighton and Hove City Plan Part One, and DM22, DM33 and DM37 of the City Plan Part Two.

12. EQUALITIES

- 12.1. An accessible WC is included on the proposed floor plan, and this is supported in principle. Details of access onto the terrace and whether or not this is step-free have not been provided but could be sought by condition in the event planning permission was granted; therefore, this is not considered to be reason to object in this instance.

13. CLIMATE CHANGE/BIODIVERSITY

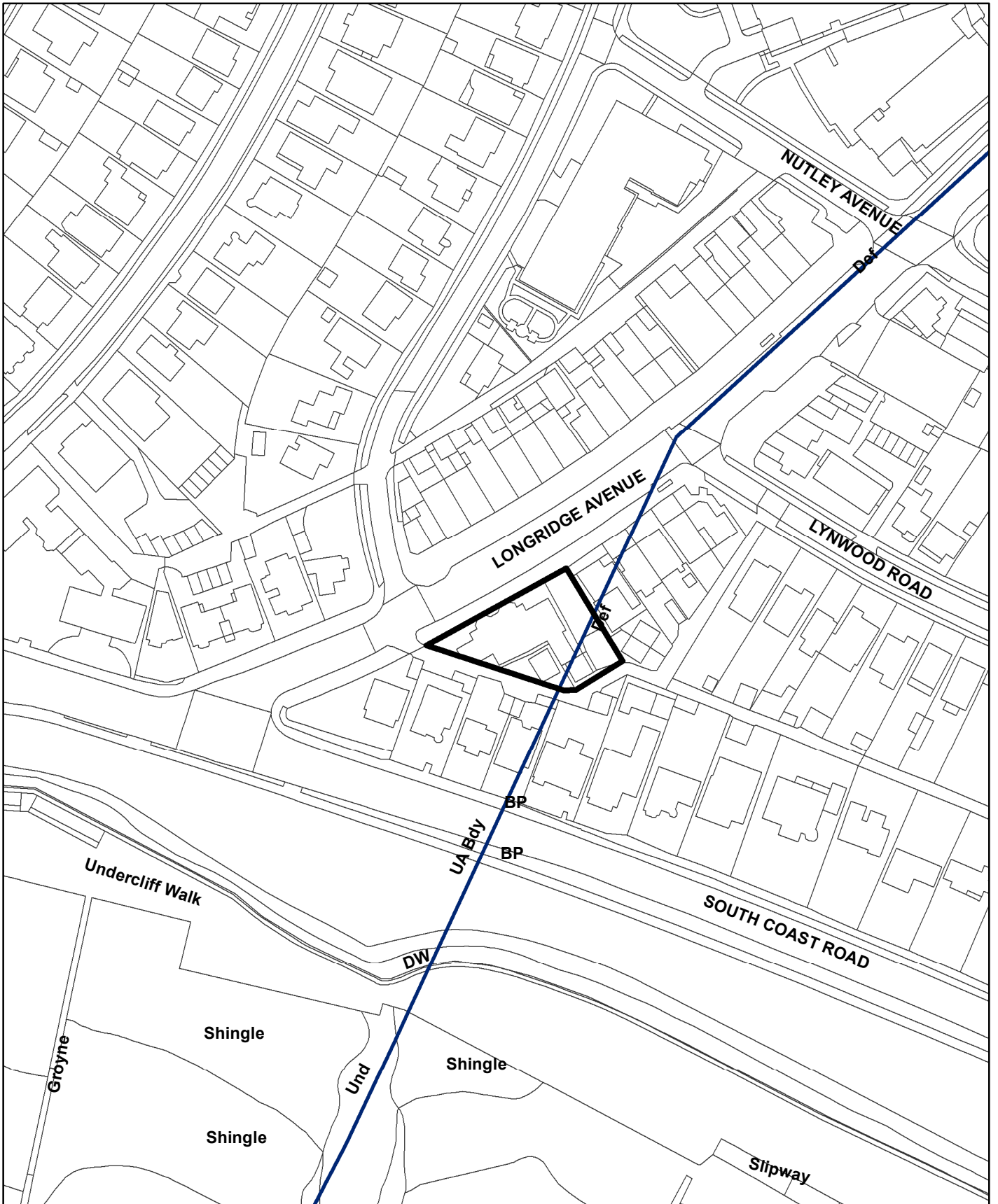
- 13.1. The proposed development includes biodiversity improvements such as a wildflower area and a green roof, and bee bricks could be secured by condition. However; the development would result in the loss of a hedgerow, and there are significant concerns regarding the proximity of the development with a mature White Mulberry. It is considered likely that the proposed development will a) cause damage to the remaining root system of this tree, and b) by reason of its physical structure itself will require extensive pruning of the tree canopy. Both these factors lead to the conclusion that the development will likely lead to the loss of this tree which will have a significant detrimental impact on local biodiversity. In terms of climate change, trees act as carbon sponges and loss of even a single tree will have a detrimental impact in this regard.

ITEM D

**4-6 Longridge Avenue
BH2022/03609
Full Planning**

DATE OF COMMITTEE: 1st February 2023

BH2022 03609 - 4-6 Longridge Avenue



N



Scale: 1:1,460

<u>No:</u>	BH2022/03609	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	4-6 Longridge Avenue Saltdean Brighton BN2 8LH		
<u>Proposal:</u>	Replacement of existing green glazed roof tiles with clay roof tiles.		
<u>Officer:</u>	Charlie Partridge, 292193	tel: <u>Valid Date:</u>	18.11.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.01.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	GBA Designs Ltd 70 Churchill Sq Kings Hill ME19 4YU		
<u>Applicant:</u>	Ms Francesca Davenport C/o GBA Designs Suite 18 70 Churchill Sq Business Centre Kings Hill Kent ME19 4YU		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	2422-003		18 January 2023
Block Plan	2422-004		18 November 2022
Proposed Drawing	2422-001		18 November 2022
Proposed Drawing	2422-002		18 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.

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 is a detached property located on the east side of Longridge Avenue, close to the junction with the A259. There are residential properties to the south on the A259, and to the north on Longridge Avenue, are commercial (retail and catering) properties. There is an area in the northern part of the site which is open to the highway, currently with some hardstanding used for parking and a fenced off overgrown area at the rear.
- 2.2. The building to which this application applies is currently a public house (The Spanish Lady) with associated living accommodation, built as a part one, part two storey building, with white render walls, and a roof consisting of green tiles or roofing membrane in different parts. There are limited outdoor areas in the site, which are separated from the highway by walls or fences.

3. RELEVANT HISTORY

- 3.1. **BH2021/04173** Erection of covered pergola structures, raised decking, fencing, gates, staff parking area and landscaping. Approved 28.01.2022
- 3.2. **BH2004/02859/AD** Retrospective application for 2 no. lockable poster cases - externally illuminated. 1no. wall mounted corex holder - non-illuminated. 2 no. large lockable poster cases - externally illuminated. Approved 05.11.2004

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the replacement of the existing green glazed roof tiles with clay roof tiles.

5. REPRESENTATIONS

- 5.1. **Councillor Bridget Fishleigh** has objected to the application. A copy of this correspondence is attached to this report.

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 JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development
 CP4 Retail provision
 CP5 Culture and tourism
 CP10 Biodiversity
 CP12 Urban design

Brighton & Hove City Plan Part Two:

DM10 Public Houses
 DM18 High quality design and places
 DM20 Protection of Amenity
 DM21 Extensions and alterations
 DM37 Green Infrastructure and Nature Conservation

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 proposed alterations and whether they would have a detrimental impact on neighbouring amenity.
- 9.2. A site visit was not undertaken, but it was considered that the proposal could be assessed adequately based on site photographs provided from the previous application (BH2021/04173), along with aerial photographs and streetview.

Design and Appearance:

- 9.3. It is stated within the submission that extensive refurbishment of the premises internally and externally have recently been undertaken however there has been leaks from the main tiled roof which has caused internal damage to the property. It is also stated that a full investigation by a roofer has been undertaken and it was established that the existing tiles are beyond repair and require full replacement. In order to match the main roof, the tiles on the small, pitched sections on the lower roof would also be replaced.

- 9.4. The proposed replacement tiles (Marley Eden Traditional Clay Profiled Tiles) would not match the colour of the existing green glazed tiles. The loss of the green glazed tiles is regrettable as they form a distinctive feature of this public house and are found on other 1930s art deco buildings throughout Saltdean. Their loss will therefore impact upon the character and appearance of the building and the area as a whole. However, the property is not listed or locally listed, nor in a Conservation Area and it is a material consideration that the majority of the surrounding houses have plain tiled roofs, so the replacement tiles would not be out of keeping with the streetscene.
- 9.5. An objection to the design of the proposal has been made by Councillor Fishleigh. The objection outlines concerns regarding the loss of the green coloured tiles and requests a condition be attached requiring the new tiles to match or closely resemble the colour of the existing tiles. In response to this, the agent has stated that there is insufficient stock of reclaimed green glazed tiles from UK based companies so the condition would be impractical.
- 9.6. Whilst the objection to the proposal is acknowledged, and loss of the distinctive green tile regrettable, the replacement clay tiles are considered to be, on balance acceptable, due to the current existence of a great deal of variety of roofing materials within the immediate streetscene. The proposal would generally accord with policies DM10, DM18 and DM21 of the City Plan Part 2 and SPD12 guidance.
- Impact on Amenity:**
- 9.7. 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.
- 9.8. With regard to neighbouring amenity, no adverse impacts upon neighbouring properties are expected as a result of the proposed development. The proposed development would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

10. EQUALITIES

- 10.1. None identified

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. None identified



Brighton & Hove COUNCILLOR REPRESENTATION
City Council

PLANNING COMMITTEE LIST

Cllr. Bridget Fishleigh
BH2022/03609 – 4-6 Longridge Avenue

2nd December 2022:

Green tiled roofs are a gorgeous feature of Saltdean's 1930s Art Deco architecture.

The West Saltdean Neighbourhood Forum is working on a Neighbourhood Plan which will include policies to protect this architecture.

A quick search on Google found that it is entirely possible to source green clay roof tiles.

Extract from: <https://www.bravarooftile.com/blog/green-roof-tiles/>

Clay tiles are sold as glazed or unglazed. In order to achieve a colour that is not in the brown to red category, green clay tiles (can) be glazed.

Therefore, I request that if the recommendation is to grant then a condition is imposed that requires the new tiles to (closely) match the existing green colour.

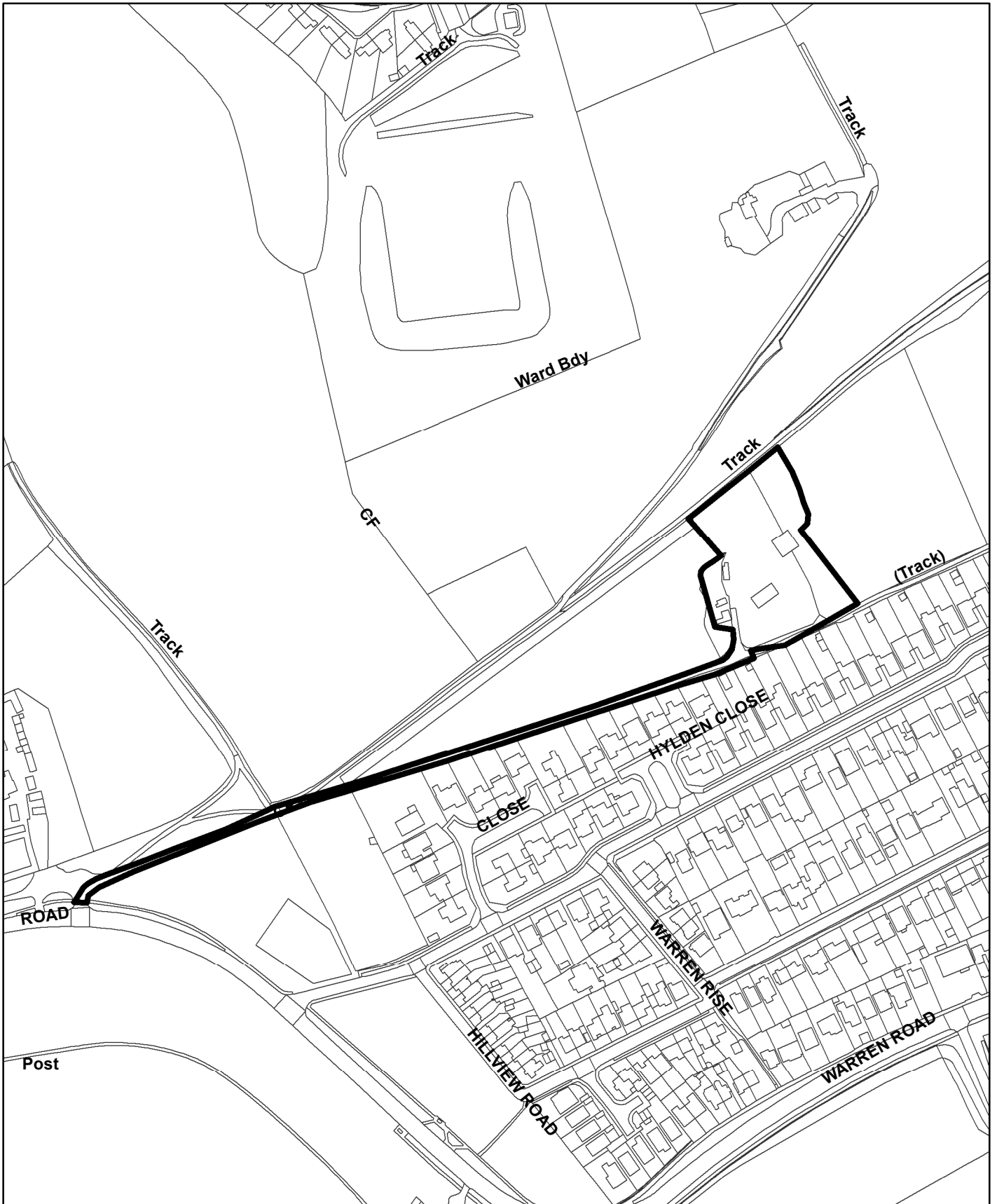
If this condition is not possible, and the recommendation is to grant, then please can this come to the planning committee for discussion.

ITEM E

**25 Drove Road
BH2022/01584
Full Planning**

DATE OF COMMITTEE: 1st February 2023

BH2022 01584 - 25 Drove Road



N



Scale: 1:3,000

<u>No:</u>	BH2022/01584	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Drove Road Brighton BN2 6AJ		
<u>Proposal:</u>	Erection of single storey building for 7no stables and open-fronted timber framed lean-to hay barn, erection of residential mobile home for temporary period of three years and retention of existing buildings for commercial equestrian purposes (Part retrospective).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	27.04.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22.06.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	15.12.2022
<u>Agent:</u>	David Champion Ltd Albion House Albion Street Lewes BN7 2NF		
<u>Applicant:</u>	Mr Roger Rowell The Boneyard Drove Road Brighton		

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 retained 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	235.22.30	Rev C	6 October 2022
Proposed Drawing	235.22.20	Rev C	27 September 2022
Proposed Drawing	235.22.01		27 April 2022
Proposed Drawing	235.22.03		27 April 2022
Proposed Drawing	235.22.04		27 April 2022
Proposed Drawing	235.22.05		27 April 2022
Proposed Drawing	235.22.06		27 April 2022
Proposed Drawing	235.22.07		27 April 2022
Proposed Drawing	235.22.08		27 April 2022
Proposed Drawing	235.22.09		27 April 2022
Proposed Drawing	235.22.21		16 August 2022
Proposed Drawing	235.22.22		16 August 2022

2. Within 6 months of this decision, additional signage shall be added to the road and access track within the site boundary which will advise drivers to lower their speeds and drive with caution. The signage should also include messaging to

advise motorists that there is no access to Chalky Down Campsite via the Warren Road entrance to Drove Road.

Reason: In the interests of highway safety and to be in accordance with policy CP9 of the City Plan Part One and DM33 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. It remains the applicant/developer's responsibility to ensure that both Local Planning Authorities are supportive of proposals where they cross administrative boundaries. It is noted that the SDNPA have refused to grant the application that was before them. This application only relates to the matters within the Brighton and Hove area and does not grant consent for anything within the South Downs National Park Authority area.

2. SITE LOCATION

- 2.1. The application site straddles across the administrative boundary of Brighton and Hove City Council and the South Downs National Park Authority area (SDNPA) for the purpose of the determination of planning applications. The southern boundary of the site is marked by Drove Road which is a public byway (BOAT) and marks the boundary of the SDNP. The majority of the site falls with the SDNP.
- 2.2. Whilst the application as a whole relates to the erection of buildings for the purpose of equestrian use and a temporary residential use of a building the Local Planning Authority (LPA) can only consider the impact of the proposals on the land within its jurisdiction, which is the access track to the wider site. Drove Road is classified as a Byway Open to all Traffic, with a 1998 Traffic Regulation Order restricting traffic to access only (and horse drawn vehicles).
- 2.3. It is noted that the application is retrospective.
- 2.4. The access track is with the Urban Fringe (SA4). The majority of the site falls within a Nature Improvement Area (CP10), however coverage does not include the access track.
- 2.5. No physical works are proposed to the access; however the application would lead to an change in usage and as part of the overall development this needs assessing. The access narrows to a slim single track with no passing places from the point adjacent to the western corner of the site as marked in blue, and there is a gate across just east of the main site entrance. The site entrance is enclosed with tall fencing and metal gates. There is a further track north of the site on lower ground that leads to Brown Loaf Farm.

3. RELEVANT HISTORY

- 3.1. **BH2010/02225** - Outline application for proposed riding school, livery facility and ancillary staff office and accommodation. Withdrawn
- 3.2. A duplicate application has been submitted to South Downs National Park Authority (**SDNP/22/01454/FUL**). The site at the end of the access track from the adopted highway is within their remit. This application has been determined and refused.
- 3.3. This application was refused for reasons relating to the intensity of the use being incompatible with the capacity of the application site and consequential impact on the SDNP; the need for residential accommodation was not sufficiently demonstrated to the SDNPA and insufficient information about the engineering operations already undertaken, physical development within the site to support an increased number of horses and potential impacts on the water, landscape and ecological interests of the site.

4. APPLICATION DESCRIPTION

- 4.1. The application description includes all the works and proposed change of use within the site boundary (red line). The B&HCC LPA can though, only consider the works / uses within the area of land within their jurisdiction.
- 4.2. In this case that is the access to the site and any impacts relating to the access, which would be the amenity impacts relating from a change in patterns of use and impacts on highway safety.
- 4.3. In situations where there is a cross boundary application the respective planning authorities consider the development and impacts within their boundaries. Therefore, what is not considered under this application has been considered by the SDNPA.

5. REPRESENTATIONS

- 5.1. **Seven (7)** letters have been received objecting to the proposed development for the following reasons:
 - The road is not suitable for the large vehicles that have been using it.
 - Hazard to walkers and cyclists.
 - Unauthorised changes to the topography of the site.
 - Entrance has been widened and moved forward.
 - Residential mobile home installed without planning permission.
 - Concerns about a future permanent dwelling on the site.
 - Additional traffic and intensified use of Drove Road.
 - Detrimental impact on property value
 - Noise and nuisance to neighbours

- Security concerns
- Equestrian use being a full-time use and no 'down' time.
- Overdevelopment
- Restriction of view
- Traffic or Highways
- It would ruin an AONB
- Light pollution
- Poor Design
- Adversely affects conservation area
- Concerns about holiday let use
- Stables and development already visible.
- Residential amenity
- Loss of privacy

5.2. **Councillors Simson and Bell** have objected to the application. A copy of their objection is added to the report.

6. CONSULTATIONS

Internal:

6.1. **Sustainable Transport:**

First Response:

Pedestrian access and vehicle access to the site will remain as existing from Drove Road. This is considered acceptable.

6.2. There are 8 existing car parking spaces and 2 existing horseboxes, both of which are to remain the same as part of the proposed development. There is an absence of cycle parking provided as part of this application to support the development proposals. SPD14 sets out the minimum cycle parking requirements. The two-bedroom temporary dwelling located in an 'Outer Area' is required to provide a minimum of one cycle parking space per unit (Long Stay). In order to comply with the development plan a minimum of one cycle parking space should be provided. The cycle parking provided should be secure, convenient to access and, wherever possible, sheltered. It is recommended that cycle parking is secured by condition.

6.3. It is not anticipated that the addition of seven stables and a residential mobile home temporarily for a three year period will result in an excessive increase in vehicle trips. Therefore, we consider that the development will not have a severe impact on the highway and the surrounding transport network.

Second Response (following submission of the traffic statement):

6.4. There are no concerns about the change to trips to and from the site, however it is considered that there is a small operational impact which could benefit from better signage for drivers.

External:

6.5. **South Downs National Park Authority:** Comment

The application you are considering is a cross boundary dual application and SDNPA are currently considering the bulk of the proposals as the land encompassing the majority of the activity is located with the South Downs National Park.

- 6.6. The land falling within BHCC jurisdiction largely relates to the access and associated track to which it is understood there is no physical alteration. SDNPA therefore do not formally comment upon your application but ask that you undertake an assessment of the highway impacts of the proposals.

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)

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP9 Sustainable Transport
CP10 Biodiversity
SA4 Urban Fringe

Brighton & Hove City Plan Part Two

DM20 Protection of Amenity
DM33 Safe, Sustainable and Active Travel

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations of this application relate to the highways and neighbouring amenity impacts arising from the increased use of the access road.

9.2. A site visit was undertaken in June 2022 (late morning on a weekday), the BOAT was in use at the time of the visit. It is noted that this provides only a small snapshot of the way the BOAT is used.

Impact on Neighbouring Amenity:

9.3. 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.

9.4. The retrospective works to the wider application site have resulted in an intensification of the equestrian use and as such an increased number of trips on the access track.

9.5. The applicant has submitted a Transport Assessment that sets out that there has been an increase in monthly trips from 468 to 510 which is an increase of 9%. Whilst the access abuts the rear garden boundaries of the properties to south it is not considered that there is significant uplift in trips associated with the equestrian use.

9.6. Neighbouring occupiers have raised concerns about the increased noise and disturbance from the current operations, however it is not considered that the 9% increase in trips shown in the traffic statement is a material increase in noise and disturbance which would warrant the refusal of the application with regard to DM20 of City Plan Part Two.

Highways:

9.7. The application is supported by a traffic statement which sets out a 9% (42 trips) increase in trips on a monthly basis since the activity increased following the relocation of the majority of the operations from the other (Southdowns) site. It is noted that not having to travel between sites does remove some trips that would have taken place prior to September 2021. It is noted that this is based on an estimation of the previous trips prior to the amalgamation of the operations on this site.

9.8. It is stated that “Currently, there are 14 livery horses on the yard owned by 8 people who come to the stables on average twice a day. Three clients live within walking/cycling distance and others car share when possible. Horses on full livery will only rarely be visited by their owners (say once a week, usually at weekends).”

9.9. It is noted that the application form states that there will also be a part-time member of staff and that there will be additional trips to the recycling centre and for the removal of manure, which do not appear to have been factored into the estimate. There is also no mention of the usual domestic trips and visitors, although these additions are considered negligible.

- 9.10. Based on the use of the site for two bedroomed accommodation and livery stables accommodating the current number of horses, it is not considered that the development will not result in an excessive increase in vehicle trips or have a severe impact on the highway and the surrounding transport network.
- 9.11. A condition has been suggested to secure the signage which is considered to be of an operational benefit to the byway by directing drivers to lower speeds and drive with caution and advising them that there is no through access from the Warren Road entrance to Drove Road.
- 9.12. The Local Highway Authority are satisfied with the application in regard to highways safety and therefore, the development is in accordance with highway policies CP9 and DM33.

Other matters:

- 9.13. A corresponding application has been submitted to and determined by the SDNPA. This application has considered the impacts of the proposal and the physical works indicated on the plans which fall outside of the Brighton and Hove area.
- 9.14. It remains the applicant/developer's responsibility to ensure that both Local Planning Authorities are supportive of proposals where they cross administrative boundaries. It is noted that the SDNPA have refused to grant the application that was before them, however as this did not consider the access it would not be reasonable to recommend refusal on this basis. Furthermore, we can only assess and mitigate, where appropriate, impacts within the Brighton and Hove area.

Conclusion

- 9.15. The intensification of the equestrian use within the wider site would not result in any significant increase in trips on the access track that would result in an unacceptable neighbouring amenity or highway safety impacts. The proposal is in accordance with policy CP9 of the City Plan Part One and policies DM33 and DM20 of the City Plan Part Two.

10. EQUALITIES
None identified

11. BIODIVERSITY AND CLIMATE CHANGE
None identified



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Dee Simson and Cllr. Steve Bell
BH2022/01584 – 25 Drove Road

12th May 2022:

We are writing on behalf of and to support the many local residents who have contacted us to object to this planning application.

Since the current owner bought the freehold of the site, several years ago, there have been ongoing complaints about its use which has caused serious nuisance to those living close to the site and also danger to those using Drove Road for recreation.

There has already been a breach of its permitted use by allowing different businesses to use the site, including scaffold storage, and a mobile home and other structures have been placed there without permission.

Many mature trees have also been removed thus changing the landscape and widening the entrance, encouraging increased vehicle use which often travels at speed.

At one point we had to arrange an on-site meeting with a planning officer from SDNP and the residents, which culminated in enforcement action.

Whilst the land is ideal for grazing horses and a limited number of stables, there should be no permitted use of any kind for residential or subsidiary businesses there.

It has been shown that the site is not suitable because of its location nestling in the South Downs National Park.

We ask that you refuse this application on the grounds that it will seriously affect neighbouring properties on the edge of the SDNP and their ability to have quiet enjoyment of their homes and also cause danger to the many walkers and cyclists enjoying the Drove Road path through the park.

The location is not suitable for a development of this kind, especially the mobile home.

PLANNING COMMITTEE

Agenda Item 88

Brighton & Hove City Council

NEW APPEALS RECEIVED 08/12/2022 - 11/01/2023

WARD

CENTRAL HOVE

APPEALAPPNUMBER

BH2022/02800

ADDRESS

2 Belfast Street Hove BN3 3YS

DEVELOPMENT DESCRIPTION

Roof alterations to include rear dormer, 1no rooflight to front and installation of front window at first floor level, extension to rear outrigger and revised fenestration.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

12/12/2022

APPLICATION DECISION LEVEL

Delegated

WARD

HANGLETON AND KNOLL

APPEALAPPNUMBER

BH2022/01837

ADDRESS

89 West Way Hove BN3 8LP

DEVELOPMENT DESCRIPTION

Erection of a single storey rear extension and roof alterations incorporating rear hip to gable roof extension, side dormers, rear Juliet balcony and associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

14/12/2022

APPLICATION DECISION LEVEL

Delegated

WARD

PRESTON PARK

APPEALAPPNUMBER

BH2022/00026

ADDRESS

Parkside Mansions 34 Preston Park Avenue Brighton BN1 6HG

DEVELOPMENT DESCRIPTION

Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (retrospective) to address non-compliance with the plans approved in relation to planning permission BH2019/02007, with amendments to the parking allocation and to the red line boundary.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

11/01/2023

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

PRESTON PARK

APPEALAPPNUMBER

BH2022/00027

ADDRESS

34 Preston Park Avenue Brighton BN1 6HG

DEVELOPMENT DESCRIPTION Erection of 2no dwellings (C3) to the rear of existing building with associated landscaping to address non-compliance with the plans approved in relation to planning permission BH2020/01832, with amendments to the parking allocation and the red line boundary.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 11/01/2023
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **SOUTH PORTSLADE**
APPEALAPPNUMBER BH2022/01733
ADDRESS 58 High Street Portslade BN41 2LG
Temporary change of use from single dwellinghouse (C3) to short-term holiday accommodation (Sui Generis) for a period of twelve months. (Retrospective)

DEVELOPMENT DESCRIPTION

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 08/12/2022
APPLICATION DECISION LEVEL Delegated

WARD **WISH**
APPEALAPPNUMBER BH2022/00761
ADDRESS 333 Kingsway Hove BN3 4PD
Installation of retractable roof covering with metal frame over the front terrace.

DEVELOPMENT DESCRIPTION

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 05/01/2023
APPLICATION DECISION LEVEL Delegated
