

Planning Committee

Date: **4 October 2023**

Time: **2.00pm**

Venue: **Council Chamber, Hove Town Hall**

Members: **Councillors:** Loughran (Chair), Allen (Deputy Chair), Cattell, Fishleigh, Hamilton, Nann, Pumm, Robinson, Shanks and C Theobald

Conservation Advisory Group Representative

Contact: **Shaun Hughes**
Democratic Services Officer
shaun.hughes@brighton-hove.gov.uk

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk.
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

Date of Publication - Tuesday, 26 September 2023

AGENDA

Part One

Page

41 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.

42 MINUTES OF THE PREVIOUS MEETING

1 - 12

Minutes of the meeting held on 6 September 2023.

43 CHAIR'S COMMUNICATIONS

44 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 28 September 2023.

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

46 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MAJOR APPLICATIONS

A BH2022/00456 - Former Dairy, 35-39 The Droveaway, Hove - Removal or Variation of Condition **13 - 20**

MINOR APPLICATIONS

B BH2022/00487 - 48 St Aubyns, Hove - Full Planning & Demolition in CA **21 - 44**

C BH2023/00568 - 248 Dyke Road, Brighton - Full Planning **45 - 60**

D BH2023/01414 - 41 Upper North Street, Brighton - Full Planning **61 - 74**

E BH2023/01522 - 45 George Street, Brighton - Full Planning **75 - 86**

F BH2023/01950 - 18 Woodland Way, Brighton - Full Planning **87 - 98**

G BH2023/01955 - Former Peter Pan's Playground Site, Madeira Drive, Brighton - Full Planning **99 - 110**

H BH2023/01305 - Aymer House, 10-12 New Church Road, Hove - Full Planning **111 - 124**

INFORMATION ITEMS

47 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **125 - 126**

(copy attached).

48 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 127 - 128

(copy attached).

49 APPEAL DECISIONS 129 - 134

(copy attached).

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

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

Webcasting notice

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

Access notice

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.**Fire & emergency**

evacuation procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 6 SEPTEMBER 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors: Loughran (Chair), Earthey (Substitute), Hamilton, Nann, Shanks, Sheard (Substitute), Theobald and Winder (Substitute)

Officers in attendance: Jane Moseley (Planning Manager), Katie Kam (Lawyer), Sonia Gillam (Senior Planning Officer), Mathew Gest (Planning Team Leader), Rebecca Smith (Planning Officer), Jack Summers (Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

31 PROCEDURAL BUSINESS

a) Declarations of substitutes

31.1 Councillor Earthey substituted for Councillor Fishleigh. Councillor Sheard substituted for Councillor Allen. Councillor Winder substituted for Councillor Pumm.

b) Declarations of interests

31.2 None

c) Exclusion of the press and public

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

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

d) Use of mobile phones and tablets

31.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘airplane mode’.

32 MINUTES OF THE PREVIOUS MEETING

32.1 **RESOLVED:** The minutes of the meeting held on 2 August 2023 were agreed.

33 CHAIR'S COMMUNICATIONS

33.1 There were none.

34 PUBLIC QUESTIONS

34.1 There were none.

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

35.1 Following a request from Councillor Earthey for a site visit be undertaken by the Committee prior to determination of the application for BH2023/00424: 7 Saxon Close, Saltdean - the committee voted 2 to 6 against the request.

36 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

36.1 The following items were *not* called by the Committee and were taken to be agreed in accordance with the officer's recommendation(s):

- Item H: BH2023/01467: Hove Central Library, 182 - 186 Church Road, Hove
- Item I: BH2023/01981: Hove Central Library, 182 - 186 Church Road, Hove

A BH2023/00424 - 7 Saxon Close, Saltdean - Full Planning

1. The Planning Manager introduced the application to the committee. The case officer stated that one more representation had been received, however, all the matters raised have been covered in the report.

Speakers

2. A speech from Lisa Lintott an objecting resident was read out by the Democratic Services officer: The resident spoke on behalf of 6 properties in Saxon Close and they were concerned about the want of profit against the community need, public safety and living standards. The residents strongly object to the proposals as an overdevelopment of the plot against Local Plan policies QD1, QD2, QD3, HO4, QD27 and HO5. It is considered that the Saxon burial ground will be disturbed. The residents are in the same position as ten years ago when planning permission was applied for to develop 71 Lustrells Crescent, which was rejected by the planning committee, however, permission was granted at appeal. The property at 9 Saxon Close has been built to a poor standard and current owner has had problems and is not able to sell. It is considered that there is limited local market demand for property. The current owners of 7 Saxon Close have subdivide the plot to allow the development, leaving the house without a garden or garage. The development would reduce available parking in the cul-de-sac and increase the need for trucks to reverse out of the road. Residents are concerned about the construction works on this site at the top of the hill.

3. Ward Councillor Fishleigh addressed the committee and requested that a site visit be made to understand the site. The property was previously a single-family home, which has been subdivided and this application is for more, which will be detrimental to the community. The proposals are an overdevelopment of the site leading to a harmful impact on the neighbouring properties.
4. The Planning Officer noted that Members are able to make site visits without being accompanied by officers. Any profits made from the subdivision of the site are not a planning matter. The policies quoted from the 2005 Local Plan have been replaced.
5. Julia Mitchell addressed the committee as the agent and stated that approval would be welcomed. The scale of the development was equal to the adjoining property and the building would not project beyond the existing footprint. The proposals were in keeping with the area. The proposed height of the development would be 50cm above the boundary fence line with 20 Tumulus Road. The committee were requested to approve the application.

Answers to Committee Member Questions

6. Councillor Shanks was informed that an archaeological survey would be carried out by condition and no details of a design covenant had been received. The Planning Manager noted that covenants were not a planning issue.
7. Councillor Theobald was informed that the species of the tree to be removed was not known. A landscaping scheme was required by condition and the Highways team considered the development acceptable. The Planning Manager confirmed that the tree did not have a Tree Preservation Order (TPO) and the property was not a House of Multiple Occupancy (HMO).
8. Councillor Earthey was informed that there no concerns regarding the previous subdivision of the site.

Debate

9. Councillor Hamilton considered that similar applications had been approved in the past and the material considerations seemed acceptable. The councillor supported the application.
10. Councillor Shanks considered the infill a good idea as land needed to be used. The councillor supported the application.
11. Councillor Earthey considered the population density to be above usual in the area and the proposals to be an overdevelopment of the plot.
12. Councillor Sheard considered the report acceptable along with the density, noting that the scheme accorded with the Nationally Described Space Standards.
13. Councillor Theobald stated they were not keen on the infill and the development would be close to the boundary. It was considered that 7 Saxon Close needed a decent garden, similar to the surrounding properties. The proposals are considered an overdevelopment of the plot. The councillor was against the application.

14. Councillor Loughran considered the ecology and landscaping was positive. The councillor supported the application.

Vote

15. A vote was taken, and by 6 to 2 against the committee agreed to grant planning permission.
16. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

B BH2023/00643 - Pavilion and Avenue Tennis Club, 19 The Droveaway, Hove - Full Planning

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

Speakers

2. James McGuigan addressed the committee as an objecting resident who considered the application information to be incorrect. The bushes and shrubs along the boundary are not light blocking and the glare from current flood lights is very visible as it reflects off the court surface. The bushes and shrubs do not screen all year round as they are thick in summer and thin in winter. It would appear that the heights of the neighbouring properties are wrong in the assessments submitted with the application. The noise from the courts is disturbing for the residents, especially with young families. The practice wall is especially noisy, and complaints have been submitted.
3. Ward Councillor Bagaeen addressed the committee and stated that they urged Members to reject the application which presented undue harm to neighbours. The support for the application seems to have come largely from the members of the club. The councillor did not support the application as there would be hours of noise and disturbance causing harm to residents. The ward councillors have not been consulted by the applicant. The additional lighting should not be allowed at the expense of the neighbour amenities. The councillor requested that the committee reject the application and the applicant should come back with a better scheme.
4. Simon Bareham addressed the committee as the agent and stated that the application refused in 2017 was for 8m high support poles. This application has reduced the poles to 6.7m with new LED bulbs to be more efficient. The club wanted to put safety first. The club is part of the All-England Lawn Tennis Association and gives free lessons to children. The lighting will give a great opportunity for more time to play tennis. A welfare officer will be available at all times. The proposals will be a great asset to the community. The committee were requested to support the application.

Answers to Committee Member Questions

5. Councillor Shanks was informed by the agent that Sunday evening had an earlier finish time as the weekend evenings had less demand than weekday evenings. It was noted

that the application was minor and had followed the statutory process with regard to consultations. The LED lights have been proposed in light of the neighbours' concerns.

6. Councillor Sheard was informed that the photos submitted by the resident to the committee Members were taken around 8.30pm.
7. Councillor Theobald was informed by the agent that the application had been submitted to reflect the concerns previously raised by residents.
8. Councillor Hamilton was informed that the conditions limiting hours were seasonal.

Debate

9. Councillor Nann considered the proposals were better than the existing and the LED were a good idea.
10. Councillor Theobald was concerned for the neighbouring houses and considered the photos submitted by the resident showed high levels of light. The councillor considered there were sound and lighting issues for those living near tennis courts. The councillor was against the application.
11. Councillor Shanks considered more consultation would have been good and noted it was a well-used club. The councillor supported the application.
12. Councillor Loughran considered the details regarding the lighting in the report were good. The councillor supported the application.

Vote

13. A vote was taken, and by 7 to 1 the committee agreed to grant planning permission.
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

C BH2023/01992 - Rottingdean Bowls Clubhouse, 3 Falmer Road, Rottingdean - Removal or Variation of Condition

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

Speakers

2. Gillian Chapman addressed the committee as resident and stated that they considered condition 3 for sound proofing should exclude the pathway, as the pathway was private land. Condition 4 restricting outside activities at the club should restrict the times to ending at 8pm, not 10pm. It was also requested that inside activities be restricted to finish by 9pm. Jilly Lovett addressed the committee as a resident and stated that the party wall did not belong to club but did belong to the neighbours. It was considered that the extension will block neighbours' access. The council should have given the covenants to neighbours in 1973.

3. The Planning Manager stated that the covenant on the pathway was not relevant to this application or a material consideration.
4. Kim Strasman as the architect sent a speech which was read out by the Democratic Services officer as follows: Condition 1. – List of Approved Drawings: We requested the inclusion of drawing P06C as it was an important drawing showing area of soundproofing. By error, this drawing was left off the list P01 B to P11 issued with the Grant of Planning Permission BH2023/00157 dated 10th July 2023. Condition 3. – Sound Proofing: A scheme for sound proofing has already been provided to the planning authority regarding the southern elevation adjoining Challoner’s Mews. Plan P06C showing the location of the soundproofing and Robust detail E-WT-1 showing a timber frame partition offset by 50mm from the existing flint wall and infilled with mineral wool sound absorbing insulation and clad on the cavity face with sheathing plywood and on the outer face with gypsum-based board of density 8 kg/m². This detail exceeds minimum standard required by building regulation approved document E. In addition to the above, the bowling club has pledged to remove all electronic hand dryers from the men’s toilets in this location, and details of an air source heat pump have been provided, were it to be used in three or four years’ time when the funding has been achieved and when the building regulations drawings will be prepared. Condition 4. – Hours of use: The proposed variation of the wording to this condition is confusing and has not been written as we requested whereby the original close of activity should be changed from 20:00 hours to 22:00 hours. The original planning application form confirmed the current close of activity to be 22:00 hours. Condition 5. - Requirement of Details of Secure Cycle Parking Facilities: The provision of cycle parking already exists at the club at the base of the ramp and there is a covered storage area within the existing boundaries of the site for when it is raining. Club members are mostly of pensionable age and of the approximate 100 members, two are known to use cycles on a regular basis. The minimum number of 10 cycle racks requested by the planning authority takes no account of the current use, nor likely future use and is not required by the club membership. Condition 6. - Scheme for Protection of Trees: A scheme for the protection of trees was not originally required by the case officer for determining the first planning application BH2022/02786 and was then only requested three quarters of the way through the second planning application BH2023/00157. The city parks officer saw no need for a specialist arboricultural report under application BH2022/02786. (The remainder of the speech was not read out to the committee as the 3-minute time limit had been reached).

Answers to Committee Member Questions

1. Councillor Shanks was informed that there was another application at appeal, and if the inspector allowed the appeal, they would choose which conditions to attach.
2. Councillor Earthey was informed that the opening time of 7am was already agreed in the permission granted at the July Committee.
3. Councillor Sheard was informed that there are bus stops nearby and they ran every 20/30 minutes.
4. Councillor Theobald was informed that the 10 cycle stands were required by Highways.

Debate

5. Councillor Shanks considered the application to be a good thing. The councillor supported the application.
6. Councillor Theobald noted that the bowls club was thriving. The councillor supported the application.
7. Councillor Earthey supported the application.
8. Councillor Hamilton expressed concerns regarding the application, however, they now felt it was acceptable. The councillor supported the application.
9. Councillor Sheard considered the inclusion of cycle parking may encourage younger members.
10. Councillor Loughran supported the application.

Vote

11. A vote was taken, and the committee agreed unanimously to grant planning permission.
12. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to make a **SPLIT DECISION: GRANT** planning permission for a variation to conditions 1 and 4 and **REFUSE** a variation to/removal of conditions 3, 5, 6 and 8 subject to the Conditions, Reasons and Informatives set out in the report.

D **BH2023/00999 - 34 Crescent Drive South, Brighton - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that the property is not a House in Multiple Occupation (HMO) and because the land slopes to the rear the basement includes windows and access to the rear garden. It was noted that the character of the area was denoted by single dwellings in a variety of styles.
3. Councillor Shanks was informed that to use the property solely as a holiday let a new planning application would be required.
4. Councillor Loughran was informed that the application was for family but with the option for rental use.

Debate

5. Councillor Theobald considered the proposals excessive and not in keeping with the area, too big and an overdevelopment of the site.
6. The Planning Manager noted that there was no physical development proposed and therefore it was not relevant to consider the impact on the site or streetscene.

Vote

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

E BH2022/02809 - St Agnes Church, Newtown Road, Hove - Full Planning

1. The Planning Manager introduced the application to the committee. It was noted that the permissions sought were not temporary and that the application had been deferred from a previous committee to allow the applicant to provide a Noise Management Plan.

Answers to Committee Member Questions

2. Councillor Earthey was informed by the case officer that the doorway and access onto the balcony were unauthorised. The application seeks to regularise the balcony.
3. Councillor Nann was informed that the complaints process set out in the Noise Management Plan would be conducted via email.

Debate

4. Councillor Nann did not consider the church building to be lovely in appearance.
5. Councillor Earthey did not consider the church building to be distinctive.
6. Councillor Loughran noted the doorway was unauthorised and the access would encourage use of the balcony and thereby cause harm to the amenity of the neighbours and area.

Vote

7. A vote was taken, and by 2 to 6 the committee voted against the officer recommendation to grant planning permission.
8. Councillor Theobald wished to protect the amenities of the area and not increase the impact on the church building.
9. The case officer noted the building was not listed.
10. Councillor Nann agreed that the council needed to be strong on unauthorised development and that the changes proposed would make an ugly building worse.
11. The Planning Manager noted that the unauthorised actions of the applicant were not for consideration. It was also noted that only privacy screens were proposed in the current application, not the use of the balcony.

12. The case officer noted the change of use of the building had taken place some years ago, however, the terrace was not open until the doorway was created to gain access, hence the conditions attached to the permission. It was noted that screens were proposed to maintain the privacy of the neighbours.
13. Councillor Loughran proposed an alternative recommendation, seconded by Councillor Nann, that the reasons for refusal were that the proposals were contrary to policy DM18, DM21 and CP12 with the Planning Manager to agree the wording with the Committee Members.

Vote

14. A recorded vote was taken, and Councillors Hamilton, Nann, Theobald, Earthey, Sheard, Winder and Loughran voted for the alternative recommendation to refuse the application. Councillor Shanks voted against the alternative recommendation.

F BH2022/02810 - St Agnes Church, Newtown Road, Hove - Full Planning

1. The Planning Manager introduced the application to the committee, noting that the application had been deferred from a previous committee to allow the applicant to provide a Noise Management Plan.

Answers to Committee Member Questions

2. Councillor Shanks was informed that the applicant had decided to submit separate applications for the balcony and vents. It was noted that enforcement action could be taken if the application were refused.
3. Councillor Theobald was informed that the grill was on the end elevation of the building.
4. Councillor Earthey was informed that the council took enforcement action when justifiable and expedient.

Debate

5. Councillor Theobald considered the application should be refused as the other application had been.
6. Councillor Loughran noted the other application had been refused on amenity grounds and impact and did not consider this application to be the same.
7. Councillor Shanks supported the application.
8. Councillor Nann was informed that the application was to regularise the situation.

Vote

9. A vote was taken, and by 6 to 1, and 1 abstention the committee voted against the officer recommendation.

10. An alternative recommendation was proposed by Councillor Nann and seconded by Councillor Loughran to refuse the application as being contrary to policy DM18.
11. A recorded vote was taken and Councillors Nann, Theobald, Earthey, Sheard, Winder and Loughran voted for the alternative recommendation. Councillor Shanks voted against the alternative recommendation. Councillor Hamilton abstained from the vote.

G BH2023/01135 - 13 Hailsham Avenue, Saltdean - Householder Planning Consent

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

Answers to Committee Member Questions

2. Councillor Shanks was informed that the application had come to committee as a Ward Councillor had called the application in and a member had asked that it be heard rather than called over.
3. Councillor Sheard was informed by the case officer that the development was an extension and not a new dwelling.
4. Councillor Earthey was informed by the case officer that the Ward Councillor had considered the proposals overdevelopment of the property and previous applications had been approved. The case officer noted on the site visit that the outbuildings were permitted development and the proposed side extension was considered appropriate. The neighbour would not be prevented extending their property by this application.

Vote

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

H BH2023/01467 - Hove Central Library, 182-186 Church Road, Hove - Listed Building Consent

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

I BH2023/01981 - Hove Central Library, 182-186 Church Road, Hove - Listed Building Consent

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

- 4. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives in the report.

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

37.1 There were none from this meeting.

38 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

39 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

39.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

40 APPEAL DECISIONS

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

The meeting concluded at 4.56pm

Signed

Chair

Dated this

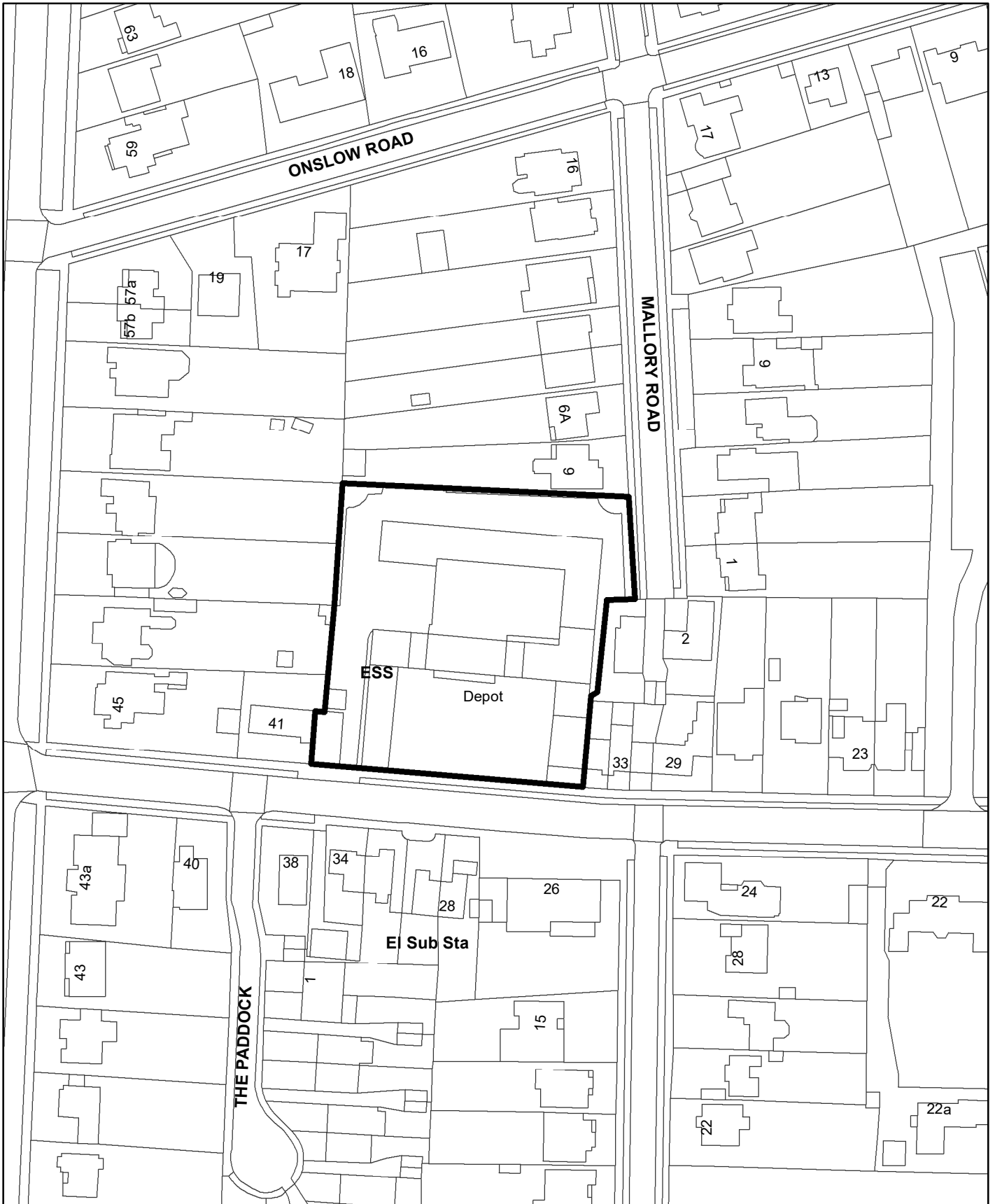
day of

ITEM A

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

DATE OF COMMITTEE: 4th October 2023

BH2022 00456 - Former Dairy, 35-39 The Droveaway



N



Scale: 1:1,250

Subject:	Former Dairy, 35-39 The Droveaway, Hove, BN3 6LF		
Date of Meeting:	4th October 2023		
Report of:	Liz Hobden, Head of Planning		
Contact Officer:	Name:	Emily Stanbridge	Tel: 01273 292101
	Email:	Emily.stanbridge@brighton-hove.gov.uk	
Ward affected:	Hove Park		

1. PURPOSE OF THE REPORT

- 1.1. The purpose of this report is to consider a request to vary one of the Heads of Terms agreed by Planning Committee in March 2023 in relation to proposed Section 106 Legal Agreement to be secured in connection with planning application BH2022/00456. The agreed S106 Head of Term sought the following:
“On-site affordable housing of 3 units (2x affordable rent and 1x shared ownership)”
- 1.2. The applicant is seeking to vary this to still provide affordable housing, but instead by way of a commuted financial sum proportionate to the level of on-site provision previously sought.
- 1.3. The amended Head of Term would therefore read:
“Affordable housing contribution of £787,300 as a commuted sum.”

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **AGREE** the amended Head of Terms to the proposed S106 Agreement, subject to a review mechanism. The remainder of the S106 Heads of Terms would as per the original Committee agreement.

3. BACKGROUND INFORMATION

- 3.1. Policy CP21 of the City Plan Part 1 requires the following:
“The Council will require the provision of affordable housing on all sites of 5 or more dwellings (net) and will negotiate to achieve the following affordable housing targets:
 - a) *40% onsite affordable housing provision on sites of 15 or more (net) dwellings;*
 - b) *30% onsite affordable housing provision on sites of between 10 and 14 (net) dwellings or as an equivalent financial contribution;*

c) *20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 (net) dwellings.”*

3.2. In this case, therefore, to comply with Policy CP20 the scheme (of 19 dwellings) was required to provide 40% affordable housing. The application was supported by a viability assessment which stated the site was capable of providing 16% affordable housing equivalent to 3 affordable dwellings on site. The applicant agreed to do so in principle.

3.3. In March 2023 the Planning Committee agreed they were minded to grant planning permission, subject to the completion of a s106 legal agreement, for the following:

BH2022/00456: 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)

3.4. This was subject to several S106 Heads of Terms including one requiring the provision of three on-site affordable units, comprising 2 x affordable rent and 1 x shared ownership.

3.5. Since that date, the developer has been in contact with Registered Providers and the Council, and it has become clear that no such provider is able to take on the affordable units on this site owing to the small scale of the development.

4. PROPOSAL

4.1. It is proposed that the Head of Terms for the s106 is amended to replace the requirement for onsite affordable housing with a commuted sum to provide off-site affordable homes. This is to reflect the position of Registered Providers and the Council.

5. CONSULTATIONS

5.1. **Strategic Housing:** No objection.

This application as originally submitted offered three affordable homes on site which is a policy compliant position. This is made up of two homes for rent and one for sale.

5.2. However smaller numbers of affordable housing such as this are not currently viable for most Registered Providers (RPs) and the developer has shown that there has been no interest from RPs in purchasing these homes. The council also looks at potential purchase of rented homes but faces similar challenges in terms of viability and resources around smaller sites.

5.3. A move to commuted sum payment in lieu of providing units on site is outlined in the council's Affordable Housing Brief as a suitable option when no Registered

Provider has come forward to purchase the affordable homes. Commuted sums are used by the council to fund alternative affordable homes for rent through council led initiatives across the city including New Homes for neighbourhood and Home Purchase.

6. COMMENT

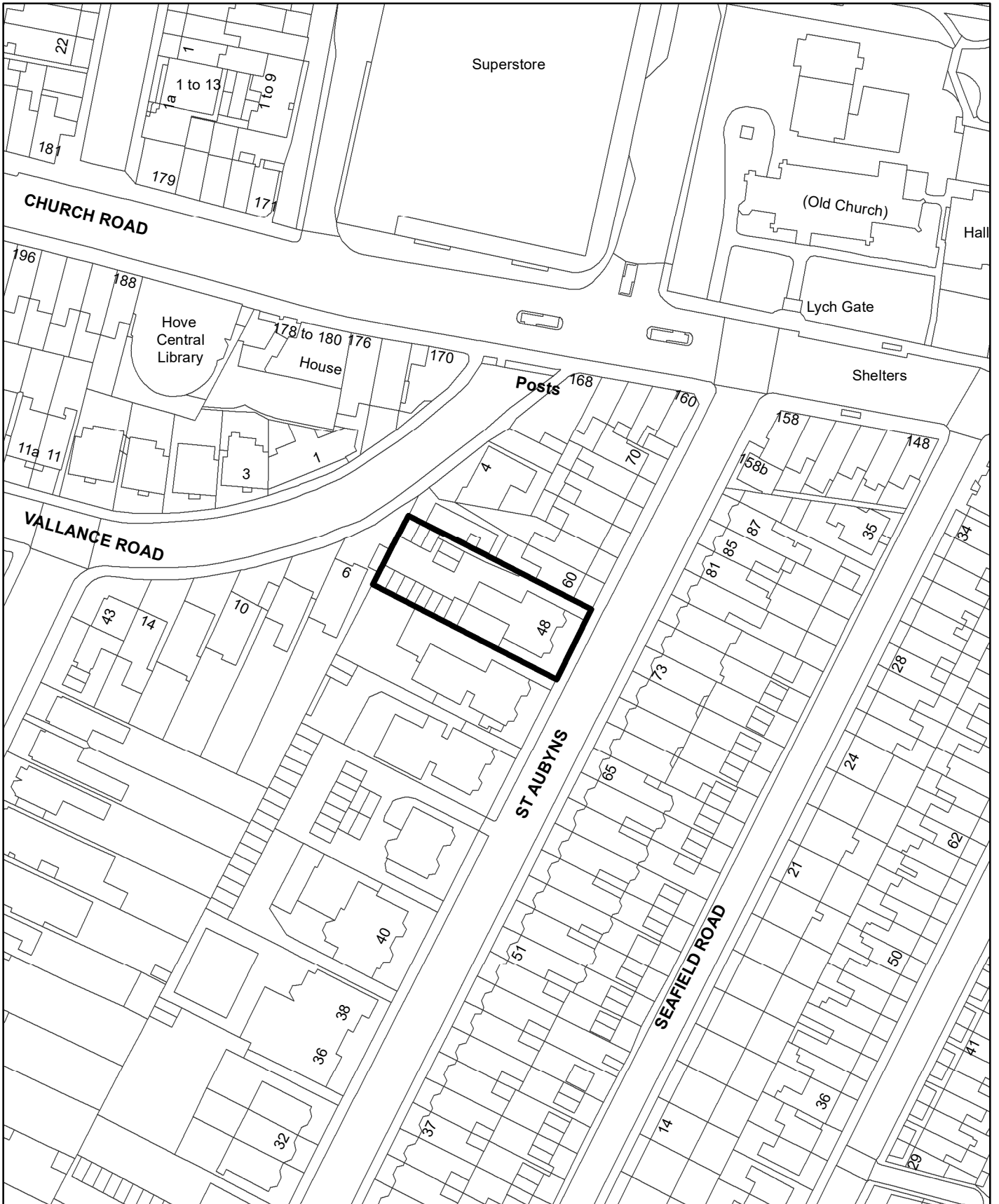
- 6.1. The sole consideration in the determination of this application relates to the acceptability of varying the proposed s106 legal agreement to change the affordable housing provision from on-site affordable units to a commuted sum to provide affordable housing off-site.
- 6.2. This development proposes 19 homes being developed as part of a mixed use commercial and residential development on the site of a former dairy. Council policy CP20 requires schemes providing more than 5 net residential homes to contribute to affordable housing in the city. For schemes of more than 15 homes (net) this is to be provided on site where viable.
- 6.3. Homes available through planning gain have traditionally been provided through Registered Provider (RP) partners with nominations to the rented homes from the council's Housing Register and affordable ownership homes sold via shared ownership sales based on the current national criteria.
- 6.4. However, sites with smaller numbers of homes available have more recently been rejected for purchase by the RP's as not viable. The developer has provided evidence that they have contacted a number of RP's, with each confirming that they are not able to take these units on given the size of the development. In response to this challenge, the council has developed and continues to look at alternative ways in which affordable housing achieved through planning gain can be provided.
- 6.5. The council can, in certain circumstances, also look to purchase such affordable rented homes but, similarly to RPs, face challenges in terms of viability and resources around smaller sites. Another alternative, as outlined in the councils Affordable Housing Brief, are commuted sums in lieu of onsite provision. These commuted sums are used by the council to fund alternative affordable homes elsewhere in the city, securing homes for rent through council led initiative such as New Homes for neighbourhood and Home Purchase. It is considered that a commuted sum would be the most practical in this instance.
- 6.6. The commuted sum of £787,300 has been calculated using the council's Developer Contribution Guidance and is equivalent to the 2x2 bedroom units and 1x3 bedroom unit previously secured.
- 6.7. It is therefore recommended that the Deed of Variation is permitted.

ITEM B

**48 St Aubyns
BH2022/00487
Full Planning and Demolition in CA**

DATE OF COMMITTEE: 4th October 2023

BH2022 00487 - 48 St Aubyns



N



Scale: 1:1,250

<u>No:</u>	BH2022/00487	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	48 St Aubyns Hove BN3 2TE		
<u>Proposal:</u>	Demolition of garages at rear of site and erection of terrace of 2no two storey dwellings (C3) with associated landscaping		
<u>Officer:</u>	Matthew Gest, tel: 292525	<u>Valid Date:</u>	11.02.2022
<u>Con Area:</u>	OLD HOVE	<u>Expiry Date:</u>	08.04.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	F and W Nonoo C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	TA 1386-01	D	5 June 2023
Proposed Drawing	TA 1386-10	E	5 June 2023
Proposed Drawing	TA 1386-11	D	5 June 2023
Proposed Drawing	TA 1386-12	D	5 June 2023
Proposed Drawing	TA 1386-13	D	5 June 2023
Proposed Drawing	TA 1386-14	D	5 June 2023
Proposed Drawing	TA 1386-15	C	5 June 2023
Proposed Drawing	TA 1386-16	C	5 June 2023
Proposed Drawing	TA 1386-17	C	5 June 2023
Proposed Drawing	TA 1386-18	B	5 June 2023

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

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

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

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

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

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

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM20, DM21 and DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

7. Access to the flat roofs over the dwellings hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
8. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and 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 DM21 and DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.
9. The first floor bathroom windows in the west facing elevation and the bedroom windows in the east facing elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy DM20 of the Brighton & Hove City Plan Part 2.
10. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
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 the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

12. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

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

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

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

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

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

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

16. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to upon the roof in the plans hereby approved in shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

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

17. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (iv) Details of hours of construction including all associated vehicular movements
 - (v) Details of the construction compound
 - (vi) A plan showing construction traffic routes

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

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

- 18.
1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
- And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
- And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

2. 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 approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c 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 Brighton & Hove City Plan Part 2.

19. Other than demolition works the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

20. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy 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.

21. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with Policy DM37 of Brighton & Hove City Plan

Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

22. At least one bee brick shall be incorporated within the external walls of each house of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site 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.
23. Prior to first occupation of the development hereby permitted, a footpath layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of materials, dimensions, methods of construction, location, levels, gradients, length of gradients, lighting, handrails and provision for the mobility and visually impaired (for example turning circles, radius dimensions and tactile paving). The layout plan should also include justification for any steps proposed. The approved scheme shall be fully implemented and made available for use prior to construction of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of construction workers and all occupants and visitors to the site and to ensure the provision of satisfactory facilities for pedestrians and the mobility and visually impaired to comply with policies CP9 and CP12 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Hardsurfaces
The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The water efficiency standard required under condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated.

Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of condition above.

It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

5. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
6. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
7. **Energy Efficient Standard**
The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
8. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
9. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of condition (18) above.

It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

10. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
11. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
12. In order to be in line with Policy CP9 Sustainable Transport of City Plan Part One footpaths must be safe, convenient (minimum of 1.2m wide), have gradients in preference to steps for the impaired and waste disposal operatives (the steeper the gradient the shorter its length should be), have handrails where appropriate (average height 900mm to 1000mm and a lower rail if necessary set at 550mm to 650mm to aid and stop children and anyone else from falling through), be made of appropriate materials to appropriate methods and standards, well-lit and where appropriate well signed. It should also be noted that if steps are proposed then the 'going' should preferably be 300mm and the 'rising' should preferably be 100mm. For further information consult the Department for Transport Inclusive Mobility and Manual for Streets documents. Also, if footways are proposed to be adopted, to adoptable standards and/or are on the adopted (public) highway then they will need to be designed and constructed to a licence from the Highway Authority. The applicant must contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

2. SITE LOCATION

- 2.1. The application site is located on the western side of St Aubyns and comprises an area of hardstanding and blocks of garages at the rear of a two storey period villa, formerly the Cinderalla Hotel which is now in use as flats and bedsit accommodation.
- 2.2. The site is not readily visible from St Aubyns given its position at the rear of the building but is partially visible from Vallance Road to the north west due to the largely low scale of development at the rear of St Aubyns. The site is situated within the Old Hove Conservation Area.

3. RELEVANT HISTORY

- 3.1. **BH2014/02230** Demolition of 12no garages to rear and erection of three storey residential block comprising of 2no one bedroom flats and 5no two bedroom flats incorporating revised access and associated works _ application withdrawn

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of garages at rear of the site and erection of 2no two storey dwellings (C3) with associated landscaping. The 2no two storey dwellings would provide three bedroom houses set below the existing ground level (approximately 1.5m) and be a modern design with green flat roofs and canted rear bay windows. The houses would have south facing rear gardens with patio areas and surrounding landscaping with cycle and refuse storage sited at the front of the dwellings and feature a mix of render, metal cladding and timber.
- 4.2. Access to the site would be along the existing vehicular access point along the northern side of 48 St Aubyns with a dedicated pedestrian access from the southern side of the property.
- 4.3. During the course of the application the plans have been amended twice to reduce the amount of development from the initially proposed 4 units down to 2 units which is now the subject of the current proposal. Amendments have also included reducing the scale of the development by setting it lower into the site and to create further separation from the main property at 48 St Aubyns.

5. REPRESENTATIONS

- 5.1. **Three (3)** letters have been received from one (1) individual supporting the proposed development for the following reasons:
- Good design
 - Much needed family homes in a good location
- 5.2. **Twelve (12)** letters from **six (6)** individuals have been received objecting to the proposed development for the following reasons:
- Traffic and parking
 - Overdevelopment
 - Loss of privacy
 - Loss of light and overshadowing
 - Excessive height
 - Too close to boundary
 - Access for emergency vehicles
 - Noise and disturbance
 - Waste issues
 - Impact on property values
 - Harm to trees
 - Hotel does not need additional rooms
 - Harm to the Conservation Area

- Dust and noise from construction

6. CONSULTATIONS

Internal

- 6.1. **Environmental Health: No objection subject to condition**
The area for development has previous use as garages. A pre-commencement land contamination condition is recommended.
- 6.2. **Heritage: No objection**
Further amendments have been made to the scheme and the site level has now been lowered such that only the upper floor would be visible above the eastern boundary to 6 Vallance Road. As a result the development would have an apparent street presence in Vallance Road at ground floor level only.
- 6.3. Whilst the breadth of the western elevation has not been reduced or further enlivened, the extent to which it is now visible means that it presents less of a featureless façade. Coupled with the set-back achieved in the first set of amendments it is now considered that the heritage objections have been sufficiently dealt with.
- 6.4. The heritage team therefore has no objection.
- 6.5. **Sustainable Transport: No objection**, subject to the inclusion of the requested conditions and informatives .
Conditions recommended relating to footpath layout, cycle provision and recommended a joint demolition and construction management plan.

External:

- 6.6. **Conservation Advisory Group**
The proposed development would obscure several valuable views of the conservation area from Vallance Road including the particularly attractive outrigger of the host building and the rear gardens of houses to the south.
- 6.7. The proposed two storey building would be a distracting element in the view of St Andrew's Church from the south (in Vallance Road).
- 6.8. It should be noted that the development in the adjacent rear garden is of one storey, partially sunk below ground level.

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
- 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
 CP1 Housing delivery
 CP2 Sustainable economic development
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP11 Flood risk
 CP12 Urban design
 CP14 Housing density
 CP15 Heritage
 CP19 Housing mix

Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix
 DM2 Retaining Housing and residential accommodation (C3)
 DM3 Residential conversions and the retention of smaller dwellings
 DM18 High quality design and places
 DM20 Protection of Amenity
 DM21 Extensions and alterations
 DM22 Landscape Design and Trees
 DM26 Conservation Areas
 DM33 Safe, sustainable and active travel
 DM36 Parking and servicing
 DM37 Green Infrastructure and Nature Conservation
 DM43 Sustainable Drainage
 DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
 SPD06 Trees & Development Sites
 SPD09 Architectural Features
 SPD11 Nature Conservation & Development
 SPD12 Design Guide for Extensions and Alterations
 SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the impact of the works on the surrounding area including the heritage assets of the conservation area, the standard of accommodation proposed, impact on neighbouring occupiers, and issues relating to sustainability and traffic and transport.

Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement.
- 9.3. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. The provision of 2 additional units of accommodation makes a small contribution to the city's housing target and this is given due weight in the consideration of this proposal.
- 9.6. The development involves the demolition of the existing garages which are located in the Old Hove Conservation Area. The garages do not make a positive contribution to the historic character of the conservation area so there is no objection to the principle of the demolition of these features. The full impact of the works on the conservation area is assessed in a subsequent section of the report.
- 9.7. Subject to other material considerations the development can be supported in principle.

Housing Mix and Density:

- 9.8. The development proposes two dwellings suitable for family accommodation within a central location which is welcomed. The site is well served with sustainable transport links and is sited close to the seafront and a short walk from Hove Station. The development would provide a maximum density of 20 dwellings per hectare which is short of the minimum expected density of 50 dwellings per hectare in accordance with CP14. Given that the development is a backland brownfield site in a Conservation Area, it is considered that the application proposes an acceptable scale of development, and a higher density

is not considered to be appropriate in this instance due to the fact that the proposal is situated within the Old Hove Conservation Area where a larger scale of development would be difficult to accommodate in this individual context. The mix of units, providing two family dwellings is considered acceptable and it is acknowledged that it would be difficult to achieve a varied mix of units given the site constraints and the limited number of units proposed.

- 9.9. The proposal is considered to be in accordance with policies CP14 and CP19 of the Brighton and Hove City Plan Part One and DM1 of the Brighton and Hove City Plan Part Two.

Design, Appearance and Heritage:

- 9.10. Policy CP12 (Urban Design) and SPD17 (The Urban Design Framework (UDF)) states that development should provide high quality design, create a sense of place, conserve and enhance the city's built archaeological heritage and settings and achieve excellence in sustainable building design and construction.
- 9.11. In this case, the existing garages have little architectural or historic value and their demolition and replacement is considered to be acceptable.
- 9.12. The proposed buildings would feature a relatively simple two storey design with a green flat roof. The north facing front elevation would include full length doors with covered entrance at ground floor with first floor fenestration. The rear (south) facing elevation would include an angled canted bay at ground and first floor serving the kitchen/dining area at ground floor and a bedroom at first floor providing some visual interest to the southern elevation. Due to the topography of the site and the setting down of the scheme the green roof and rear canted bays would provide sufficient visual interest for the development when seen from surrounding developments to the south, east and west of the site. The proposed materials would be for a mix of buff coloured brick, metal cladding and render with metal windows and timber door to the front elevation. Further and full details can be secured by condition in order to ensure an acceptable and appropriate appearance to the dwellings.
- 9.13. The new houses at 5.5m would be taller than the existing garages, however they would be set approximately 1.5m into the ground and therefore the increase in height in relation to the surroundings and existing structures would be an overall height increase of approximately 2m. The proposed site layout would include sufficient separation to all neighbouring boundaries with the bulk of the form being separated approximately 4.4m to its southern and northern boundaries and 3.2m to the western boundary with Vallance Road. The main form would also be separated by a distance of 4.5-5m from the rear principal building at 48 St Aubyns. The development would be only partly visible from the vehicle access on the northern side of the main building from St Aubyns and viewed from Vallance Road amongst the context of the rear elevations of the mansion properties on St Aubyns, but also in the context of other flat roof structures, garages and another flat roof modern residential property on the adjacent plot at 4A Vallance Road. These separation distances together with the modest increase in height of the built form are considered to be acceptable in terms of its scale and character.

- 9.14. Although the dwellings are considered to be well sited within the plot and in relation to the topography of the locality, it is considered that removal of 'permitted development rights' would be justified in this instance as any enlargements and alterations of the proposals could potentially result in harm to the character of the area or potentially neighbouring amenity. Therefore, a condition is recommended removing such rights to extend or alter the dwellings including the provision of outbuildings.
- 9.15. The resulting scheme is considered to be positive in terms of its design and appearance, providing a high quality development to replace the existing garages on site which are not considered to contribute to the street-scene or surrounding area therefore, subject to the conditions noted above, the proposed new dwellings are considered acceptable in terms of their design and appearance and would be in accordance with polices CP12 of the City Plan Part One and polices DM18 of the City Plan Part Two and SPD12 guidance.
- 9.16. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 9.17. The site lies within the Old Hove Conservation Area. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.18. The proposed development would sit within and respect the character of the conservation area and its heritage. Although modern, the proposed landscaping, design and materiality are considered to be an improvement over the existing garages. The western side elevation of the development would front Vallance Road and be seen from the public highway behind the existing street trees from the northern end of Vallance Road and between 4 and 6 Vallance Road where a gap exists in built form at first floor level. The low lying nature of the proposal would mean that the western elevation would be visible as largely a development at ground floor. The simple detailing to this elevation would, however, be a relatively bland elevation with little visual interest. Since this would be largely set behind the flat roof garage structure of 6 Vallance Road, it is considered acceptable. Due to the setting down of the form both the height and its comparable height to the flat roofs of the garage at 6 Vallance road and the modern house at 4a Vallance Road together with the set back from the Vallance Road ensures that the visual impact upon the Conservation Area is considered acceptable.
- 9.19. The proposal would not harm the character and appearance of the Conservation Area and the development would be in accordance with policies CP15 of the Brighton and Hove City Plan Part One and DM26 of the Brighton and Hove City Plan Part Two.

Standard of Accommodation

- 9.20. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. They form a useful guide in assessing the standard of new residential accommodation. These space standards have been formally adopted into the Brighton and Hove City Plan Part Two through Policy DM1.
- 9.21. The proposed development would provide 2 dwellings set over two storeys. Both units would comply with the minimum standards, and the size and layout of each units are generally considered acceptable. The units are dual aspect which would provide a suitable amount of light and ventilation to the proposed properties. The outlook from the dwellings would be largely open aspect to the south, and whilst the proposal is set into the ground no concerns are otherwise held in regard to the standard of accommodation.
- 9.22. In regard to accessibility standards, 12v supplies are proposed to the communal pathways to allow for future provision of a chair lift allowing access to all residential units proposed. A condition to secure the development would otherwise comply with M4 (2) of the Building Regulations is recommended.
- 9.23. Policy DM1 also states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. The proposal would include a sufficient quality of external amenity space for each dwelling with a south facing rear garden and patio area with associated landscaping around the properties towards the boundaries of the site. The quality and provision of the external amenity space proposed is considered acceptable.

Landscaping:

- 9.24. The site is currently unattractive hard surfacing and garages and there is scope for the scheme to contribute positively to the landscaping of the site. There are areas of lawn proposed around the dwellings and the contribution of the green roofs proposed would result in an overall improvement on the landscaping of the site and net gain in biodiversity over and above the existing situation.
- 9.25. There is, however limited information submitted for the hard landscaping, soft landscaping or boundary treatments submitted and therefore a condition to secure acceptable detailing in these regards is recommended.

Impact on Amenity:

- 9.26. The properties most affected by the proposal would be the main property at 48 St Aubyns itself to the east of the site, the dwelling at 4A Vallance Road to the north of the site, 46 St Aubyns to the south east of the site and 6 Vallance Road to the west of the site.
- 9.27. 48 St Aubyns is currently in use as flats. The amendments to the proposal have resulted in the setting down of the development such that the flat roof of the buildings would be no higher than the lower part of the rear first floor bay window

of the rear projection which ameliorates concerns in regards to loss of outlook or overshadowing of this window. The first floor eastern elevation windows would function as a secondary window to the proposed bedroom and a condition to obscure glaze this window is recommended to overcome any concerns in regards to overlooking.

- 9.28. The separation distance at ground floor is proposed to be 5m from the east facing ground floor at 48 St Aubyns. A visit to the site has confirmed that there are no windows at ground floor in the rear projection facing the site and only a single door which faces east from the parent property. Secondary windows serve this rear kitchen space and no significant impacts are considered to be likely from the proposal.
- 9.29. 4A Vallance Road is a relatively new build single storey dwelling sited on land north of the site. The proposals would be set 4m from the northern boundary of the site and given their relatively modest projection above ground it is not anticipated that it would have a significant impact upon this dwelling with regards to overshadowing or loss of light given this separation distance. There would be some overlooking from the first floor windows of the development to the external patio areas of 4A Vallance Road, however this would be at an oblique angle and given the boundary treatment and sunken nature of the patio areas together with the central location (where some degree of mutual overlooking can be anticipated) it is not considered that this would be sufficiently harmful to warrant refusal of the application.
- 9.30. The new dwellings would introduce some overlooking from the rear first floor bedrooms into the rear garden amenity spaces associated with 46 St Aubyns. It is noted, however, that there is already mutual overlooking of these spaces from the property of 6 Vallance Road and from other flats within 46 St Aubyns and no demonstrable harm is considered to result in this regard over and above the existing situation. It is also noted that part of the rear land associated with 46 St Aubyns is utilised as car parking and hardstanding which raises no concerns. Due to the orientation of the site and proposed distances from the boundaries of the site, no concerns are raised in regard to loss of enclosure, loss of privacy, overshadowing or loss of light.
- 9.31. There would be some views from the first floor rear windows towards the rear and side windows of flats within 46 St Aubyns, however again, due to the distances and the oblique angles of views no significant impacts are expected with regards to overlooking or loss of light or overshadowing.
- 9.32. 6 Vallance Road sited to the direct west of the site would not be overlooked by the proposal. The side western facing proposed windows would serve bathrooms and a condition is recommended to secure obscure glazing and fixing shut of these windows (above 1.7m from floor level). The rear first floor bedrooms would not offer a direct view towards 6 Vallance Road and therefore no harmful overlooking would result. Due to the separation distances, orientation and modest height resulting from the new build no significant overshadowing or loss of light would likely result from the development in this respect.

Sustainable Transport:

- 9.33. The site benefits from a highly sustainable location being within easy walking distance of shops, restaurants and bus services on Church Road to the north, and the seafront to the south. The seafront provides a dedicated cycle lane extending towards the City's east and west boundaries.
- 9.34. The scheme will result in the loss of 12 garages. This is acceptable as the site is located in a controlled parking zone, and the issuing of new parking permits can be controlled by the local highway authority. The new houses will each have secure covered bike stores - accommodating two bikes for each house.
- 9.35. Concerns have been raised by the Sustainable Transport team in regards to ensuring that an appropriate pedestrian access is provided and secured and whilst this is indicated to the southern side of 48 St Aubyns on the submitted plans a condition is recommended to ensure that sufficient and appropriate details are secured.
- 9.36. Given the proposal is for two dwellings no severe impact upon the Local Highways network is expected to occur and it is noted that an existing vehicle access along the northern side of 48 St Aubyns would remain unaltered. Accordingly subject to the recommended conditions, the proposal is in accordance with policy CP9 of the City Plan Part One and policies DM33 and DM36 of the City Plan Part Two and the SPD14 Parking Standards.

Sustainability:

- 9.37. The site is currently covered by hardstanding or buildings and the redevelopment would introduce garden areas as well as green roofs. This would assist in improving biodiversity habitats and increase the amount of permeable surface area within the site subject to sufficient detail being secured by condition.
- 9.38. In regard to sustainability, the applicant confirms that the scheme will be able to accord with the water and energy requirements of City Plan Policy CP8 and this can be secured by conditions and informatives. The scheme is inherently sustainable as it involves the reuse of previously developed land in a sustainable location. The scheme includes provision for green roofs, garden areas, and the provision of solar thermal and photovoltaic cells on the roof of each dwelling.
- 9.39. Energy and water efficiency standards in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two can be secured by condition along with further detail in regards to the microgeneration proposed.

Sustainable Drainage

- 9.40. The site is located in an area with very low risk of flooding from ground water and a low risk from surface water. Nonetheless a condition is recommended to ensure that sustainable drainage measures are incorporated into the development and to ensure that surface water run-off is directed to facility on-site. Subject to these conditions the development raises no concerns in this respect.

Other Considerations:

- 9.41. The proposed development works would be taking place on something of a constrained site, and with the amended plans relying on a significant amount of excavation. Issues relating to construction disturbance have been raised by some neighbouring occupiers and although noise and disturbance through construction is not a material planning consideration a Construction and Environmental Management Plan is recommended to ensure the development is appropriately managed given the specific nature of the site.
- 9.42. Concerns have been raised in representations with regards to ensuring appropriate access for emergency vehicles. Whilst there is a vehicle access to the northern side of St Aubyns which would bring such vehicles in close proximity to the development it is also noted that Fire Safety would be an issue covered by Part B of the Building Regulations and therefore is not a material planning consideration in this context.
- 9.43. Some representations have raised ensuring that appropriate storage is provided for refuse. St Aubyns features on-street communal refuse storage, however, other areas have been indicated within the proposal for storage of refuse and recycling, most notably at the frontage of the two proposed dwellings and alongside the pedestrian access route. These measures shall be secured by condition.
- 9.44. Representations have been made that the development would have a detrimental impact upon property value which is not a material planning consideration.
- 9.45. A number of received representations also consider and raise the possibility of asbestos within the existing garages. Whilst the safe removal of asbestos is a considered part of Health and Safety legislation an informative is recommended to ensure the applicant is reminded of their responsibilities in this regard.

10. EQUALITIES

- 10.1. As noted above a 12v supply is proposed to the communal pathways to allow for future provision of a chair lift allowing access to all residential units is proposed which is recommended to be secured by condition.

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. As noted earlier in this report the development includes the provision of green roofs and would otherwise present a significant improvement in terms of biodiversity on the site. Conditions are recommended to ensure that the landscaping, green roofs and other sustainability benefits, including the proposed solar arrays are sufficiently detailed and implemented prior to occupation of the development. A bee brick is also recommended by condition.

12. COMMUNITY INFRASTRUCTURE LEVY

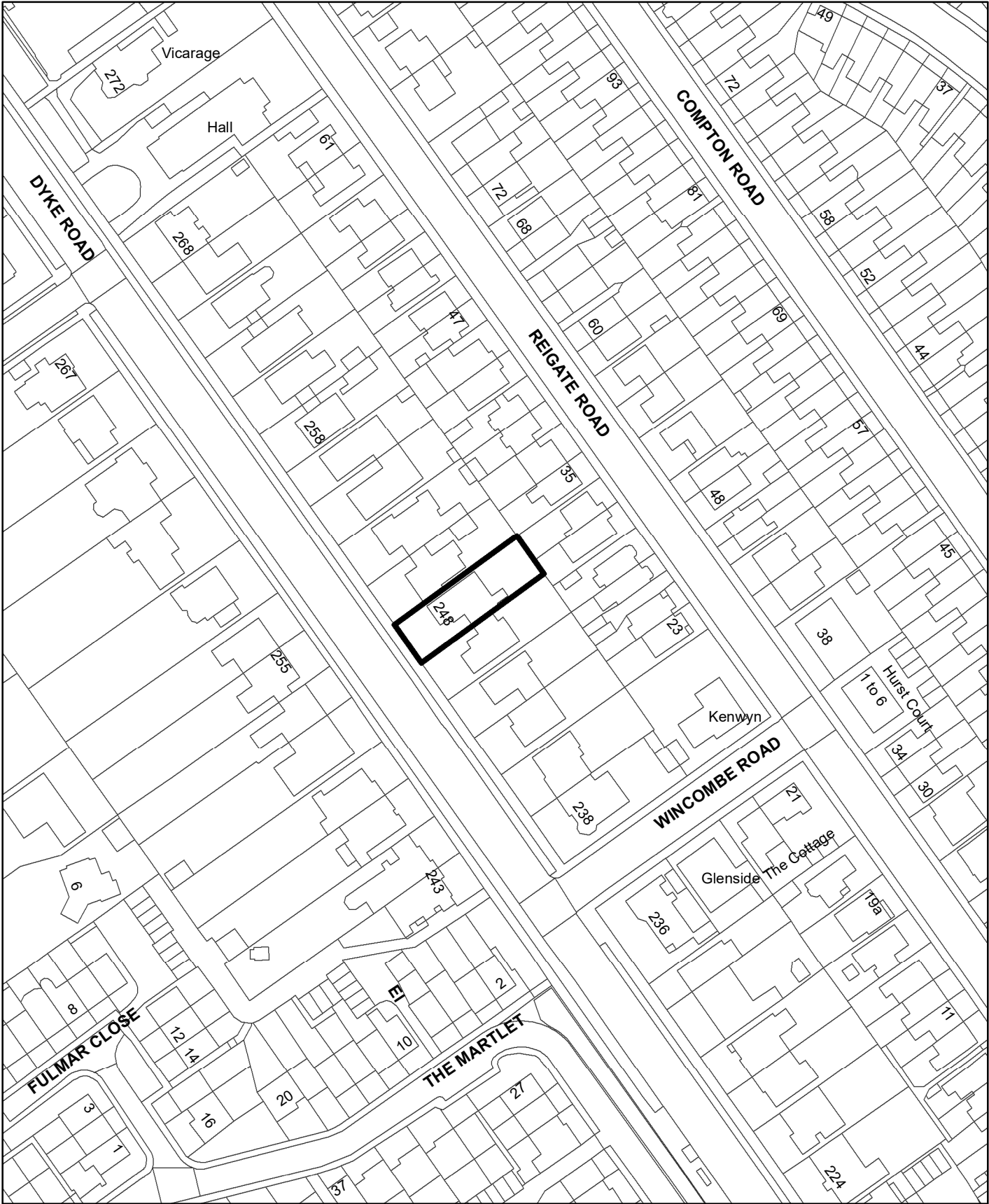
- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £24,527.25. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

ITEM C

**248 Dyke Road
BH2023/00568
Full Planning**

DATE OF COMMITTEE: 4th October 2023

BH2023 00568 - 248 Dyke Road



N



Scale: 1:1,250

<u>No:</u>	BH2023/00568	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	248 Dyke Road Brighton BN1 5AE		
<u>Proposal:</u>	Change of use of single dwellinghouse (C3) to form 7no bedroom large house in multiple occupation for 11no persons (sui generis) with external works including installation of cycle parking facilities, revisions to fenestration, and associated alterations (part retrospective).		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	27.02.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.04.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	06.10.2023
<u>Agent:</u>	Wang Dao Architecture Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	IPG 248 Dyke Road Brighton BN1 5AE		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	2209 PL 01	A	30 August 2023
Proposed Drawing	2209 PL 03	D	8 September 2023
Proposed Drawing	2209 PL 04	-	27 February 2023
Proposed Drawing	2209 PL 06	A	8 September 2023
Detail	2209 PL 07	-	27 February 2023
Proposed Drawing	2209 PL 20	C	8 September 2023

2. The following windows hereby permitted shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window/rooflight is installed, and thereafter permanently retained as such.

- The window servicing the ensuite on the northwest side elevation at first floor level.
- The window servicing Shower 2 on the northwest side elevation at first floor level.
- The window servicing the staircase on the northwest side elevation at first floor level.

- The window servicing the staircase on the northwest side elevation at second floor level.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

3. Prior to first use of the house in multiple occupation (HMO) hereby approved, a management plan in writing by the Local Planning Authority. This should include details relating to site management, behaviour and conduct of future occupiers, how residents can contact the landlord/managing agents to raise concerns, details of how parking will be allocated and enforced and waste/refuse management. The occupation and use of the building shall be in strict accordance with the approved management plan.

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

4. The large house in multiple occupation hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 2209 PL 03 rev D received on 8th September 2023.

The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

5. The hereby approved development shall only be occupied by a maximum of eleven (11) persons.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policies DM1, DM7 and DM20 of the Brighton & Hove City Plan Part Two.

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

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

7. The development hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'C'.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with Policy DM44 of the Brighton & Hove City Plan Part Two.

8. Notwithstanding the drawings hereby permitted, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

9. The development hereby approved shall not be occupied until the refuse and recycling storage facilities as shown on the approved plans have been installed and made available for use.

The approved facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies CP8 of the Brighton & Hove City Plan Part One, DM20 of the Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 3.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
4. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: www.hse.gov.uk/asbestos
5. The applicant is advised that this decision relates to the planning use of the property as a sui generis House in Multiple Occupation only and the application should ensure all other necessary HMO licences are obtained from the Private Sector Housing Team.
6. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the

Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.

2. SITE LOCATION

- 2.1. The application site is a two-storey detached building with habitable roof space, on the northeast side of Dyke Road. The original building has been enlarged with extensions and the front garden has been converted into a car park; nevertheless, the building remains respectful of its original character and that of the wider streetscene. There is a council-owned street tree in front of the site.
- 2.2. The property would have been built as a single dwellinghouse, but it appears to have been in operation as a mixed use with a (C3) flat on the ground floor and a (sui generis) large house in multiple occupation (HMO) on the upper floors since November 2013. There is no planning history that the change of use from (C3) dwellinghouse to the existing arrangement had the benefit of planning permission, and it is considered by the Local Planning Authority that this represents a breach of planning control. The property has held an HMO licence since at least as early as April 2014.
- 2.3. It has been considered that the change of use from a single dwellinghouse to two (C3) flats would have become immune from enforcement action (and therefore lawful by default) after four years (therefore achieving immunity in November 2017), then either unit would have been able to change into an HMO using the permitted development rights afforded by Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) until these rights were removed by the city-wide Article 4 Direction introduced in October 2020. Therefore, the breach of planning control is considered to be somewhat of a technicality as it could have been avoided were the changes to the original building undertaken in a different order.

3. RELEVANT HISTORY

- 3.1. **BH2022/02806** Change of use and conversion of a single dwellinghouse (C3) to form 5no bedroom small house in multiple occupation (C4) on first & second floors and 2no bedroom flat (C3) on ground floor with external alterations including provision of cycle storage, replacement fenestration and additional amenity space for ground floor flat (retrospective). Withdrawn

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to use the building as a single large HMO with seven bedrooms and eleven bed-spaces. External alterations include window replacements and relocations, as well as relocation of the front door, and installation of a shed and secure cycle parking.

5. REPRESENTATIONS

5.1. Seven (7) representations have been received, objecting to the proposal on the following grounds:

- It is unknown if more than 10% of the dwellings within 50m of the application site are in use as HMOs.
- Loss of a family home
- The building is currently unsightly, and this will get worse with more inhabitants.
- Overdevelopment
- Detrimental impact on local highway including parking provision.
- Potential of delivery scooters being parked on the property.
- Littering
- Noise nuisance
- Light pollution from security lighting
- Clarification on why security is required.
- Anti-social behaviour such as late-night parties/gatherings
- Unknown 'if the applicant is a suitable person to run a large HMO'. Lack of contact details.
- Lack of public consultation and advertisement of the application.
- Clarification on whether the property will be an Air B'n'B party house.
- Detrimental impact on property value.
- The development is not fair on local residents.
- The proposed development would fail to meet HMO Licensing Standards due to the lack of two fully equipped kitchens.
- The head rooms annotated in the loft-level bedrooms may be incorrect.

5.2. Concerns have been raised that local residents were not properly advised about the application or consulted. This application was advertised in accordance with the LPA's consultation procedure, with adjacent properties being sent letters and the scheme being advertised on the Council's website.

6. CONSULTATIONS

6.1. Private Sector Housing

No Comment

6.2. Transport

No Objection, subject to the inclusion of conditions:

- The applicant is proposing seven cycle parking spaces within the back garden of the property, this is in accordance with Supplementary Planning Document 14: Parking Standards. However, we do require further details regarding cycle parking via condition.
- The applicant is proposing the retention of the two parking spaces in front of the property, and this is in accordance with SDP14.
- The two additional bedrooms are unlikely to significantly increase trips to the site compared to the existing arrangement.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development
SA6 Sustainable Neighbourhoods
CP8 Sustainable Buildings
CP10 Biodiversity
CP11 Flood Risk
CP12 Urban Design
CP21 Student Housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix
DM7 Houses in Multiple Occupation (HMOs)
DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM33 Safe, Sustainable and Active Travel
DM35 Travel Plans and Transport Assessments
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health - Pollution and Nuisance
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the standard of accommodation that would be offered to future residents, and the potential impacts on the amenities of local residents and business-users and on highway safety.

Principle of Development

- 9.2. Concerns have been raised in the representations received that the proposed development would lead to the loss of a family home and the use would be out of character of the area, which is made up of privately-owned family dwellings. Whilst there is a predominance of dwellings in the area there are also several flats in the area as well as commercial premises including a doctor's surgery. It is not considered that the introduction of an HMO in the area would have an adverse impact on the character of the area in principle and the development should be assessed against the relevant development plan policies such as CP21 (Student Housing and Housing in Multiple Occupation) of the CPP1 and DM7 (HMOs) of the CPP2.
- 9.3. The development plan allows in principle the change of use from C3 dwellinghouses to HMOs, and the loss of a family home in such an instance is not a reason to refuse planning permission. Although a certain type of housing is lost, HMO-based accommodation also contributes to the housing stock of the city for those unable to afford their own dwelling.
- 9.4. Although the proposed development would formally change the use class away from C3, some weight must be given to the fact that the building has not been in use as a single dwellinghouse since 2013, with no formal complaints being received by the Local Planning Authority until 2023 when the first of two planning applications was made.
- 9.5. A mapping survey has been undertaken and concluded that of the thirty-three (33) residential properties within 50m of the curtilage of the application site, none are currently in authorised use as a house in multiple occupation. If this application were permitted, the application site would become the only authorised HMO in the immediate area, bringing the total percentile of HMOs to approximately 3%, well within the 10% allowance within policy CP21 of the CPP1.
- 9.6. Representations received against the application has requested that officers visit every property within 50m to verify the mapping exercise and to establish if there are any properties operating as unauthorised HMOs. This is not considered reasonable or necessary as unauthorised HMOs are not counted for the purposes of assessment under Policy CP21. Any suspected unauthorised HMOs can be reported to the Planning Enforcement team who may carry out an investigation.
- 9.7. The wider neighbourhood area reveals a total of twelve HMOs out of a total of over one thousand, one hundred residential properties, or approximately 1.05% of the total, comfortably within the 20% allowance stated in policy DM7 of CPP2. The proposal would not result in a non-HMO being sandwiched between two

HMOs or lead to a continuous frontage of three or more HMOs. The standard of accommodation to be provided to future residents shall be assessed later in this report. Given the above, there is no objection in principle to the change of use from C3 dwellinghouse to large HMO.

Impact on Amenities

- 9.8. The proposed external alterations do not raise any significant concerns in terms of the impact on neighbouring amenity. New or replacement windows in the northwest side elevation have the potential to cause loss of privacy for residents at no.250 due to the proximity of the new windows to the side elevation of this neighbouring property. A condition is recommended requiring that they be fixed shut and fitted with obscure glazing to an internal height of no less than 1.7m. These windows serve a shower room, an ensuite and staircase landings respectively, so this should not prejudice the standard of accommodation of future occupants of the application site.
- 9.9. The change of use to create an eleven-occupant HMO is likely to generate a greater noise output than would a typical (C3) single dwellinghouse, as it would house a greater number of adults who would be more likely to have more varied routines, in terms of comings and goings from the site.
- 9.10. The property has been in use as a unauthorised flat and HMO since 2013 and there is no record of noise complaints being submitted to the Environmental Health Team in this time. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received. Representations received have raised issues of noise disturbances in the past but as advised above there is no record of noise complaints or historical complaints about the use to the planning enforcement team.
- 9.11. The existing layout shows that the building has fourteen bed spaces spread between the ground floor flat and the upper floor HMO. It is not considered reasonable to assume that the proposed development would result in significant additional noise output over the existing unlawful arrangement of a flat and HMO, since the alterations (to convert the existing unauthorised arrangement to the proposed layout) would not result in any net increase in occupancy.
- 9.12. Given the large size of the proposed HMO it is considered reasonable to put in place additional measures to manage such a large group of occupants and safeguard the amenities of local residents; permission would be granted only subject to a property management plan.
- 9.13. Overall, it is considered that whilst the proposal has the potential for greater comings and goings and general noise and disturbance than the current lawful use of the property as a single dwelling or the unauthorised use as a flat and HMO, such potential impacts can be managed and reduced with a robust management plan which would be secured by condition for any potential planning consent.

Standard of Accommodation

- 9.14. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These standards have been formally adopted into policy DM1 of the CPP2 and can now be given full weight.
- 9.15. The building provides a gross internal area (GIA) of approximately 230.15m² (discounting areas within the roof space under 1.5m in height). This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 9.16. The communal space consists of an open plan kitchen and living room at ground floor with an area of approximately 40m² and the loft-level study which has an area of approximately 7.5m² (including only space with a head height of 1.5m or greater); therefore, approximately 4.3m² would be provided per resident, which is in accordance with the requirements of CPP2 policy DM1 which requires a minimum of 4sqm per resident. Occupants would also have access to the rear garden of the property which has an area of approximately 135m².
- 9.17. Each of the bedrooms has acceptable circulation space and benefit from good natural light and outlook through existing windows (or rooflights in the case of the loft-level bedroom). Each bedroom with the exception of the single person ground floor bedroom 'G2' benefits from an ensuite, and there is a communal shower room/toilet on each level.
- 9.18. The two bedrooms at ground floor level share the floor with the communal space and could be vulnerable to noise nuisance from the communal spaces. The impact on room G1 is mitigated by the distance between the room (which is positioned at the front of the house) and the communal space, since the two are separated by the entrance hallways and two sets of doors. Room G2 shares a wall with the communal space but it is considered that this is one of the original external walls of the dwelling and is thick enough to mitigate some noise transference. The room is also separated from the communal space by two doorways. It is considered that the impact from noise from the communal space would be acceptable for future occupiers.
- 9.19. It is considered that the standard of accommodation that would be offered would be sensitive to changes in the internal layout and the LPA would wish to manage any future alterations in the interest of safeguarding the amenities of occupants; for this reason, it is recommended that the internal layout will be secured through a condition. It is also important that the number of occupants does not exceed what the building can reasonably be expected to accommodate, so a further condition is recommended which would limit the number of occupants to eleven.
- 9.20. Concerns have been raised in the representations received that the proposed layout would not meet the requirements to be granted an HMO Licence; this is separate from Planning process and it is the applicants responsibility to ensure they comply with all regulations.

Design and Appearance

- 9.21. The proposed external alterations are considered to be acceptable. The replacement windows would have white frames and be of similar appearance to the existing. The composite front door with a black colour finish would be non-traditional in appearance and may somewhat detract from the character of the building, but not to the extent that it would be warranted to withhold planning permission. The white paint applied to the existing pebbledash render is considered to result in a brighter and more attractive finish. The proposed cycle shelters and shed would be sited either to the rear of the property or behind the large front boundary hedge; either way they would be modest in scale and concealed from most views.
- 9.22. Concerns have been raised that the application site is currently unsightly and that increased occupancy would exacerbate this. The proposed development includes relatively minor external alterations, but which should result in an improved appearance; it is not considered that an intensified occupancy should necessarily have any significant impact on the appearance of the building.

Impact on the Public Highway

- 9.23. Concerns have been raised that the proposed development would have an unacceptable impact on the local highway due to increased occupancy and associated vehicles requiring parking spaces. The proposed site layout shows space for two cars at the front of the site and a total of seven secure cycle parking spaces (split between the front and rear of the site). These numbers are in accordance with the guidance in Supplementary Planning Document 14: Parking Standards and there is no objection in principle.
- 9.24. The site lies within an area with considerable parking restrictions in force, with double yellow lines along Dyke Road, and the surrounding roads having a mixture of permit-holder parking bays or pay-and-display parking bays. The site lies within Controlled Parking Zone A, so occupants would not be eligible to apply for permits in CPZ P across the road. Based on data from 2021 and 2022, there is an average uptake of 70% in Zone A, indicating some capacity within that zone.
- 9.25. The proposed development involves revising the existing driveway and installing a porous surface. This is considered to be a benefit of the scheme as it should reduce the risk of surface water running off onto the public highway and shall be secured by condition.
- 9.26. It should also be noted that the site is well connected in terms of public transport. The 27 and 77 bus routes go along Dyke Road itself, and the site is within walking distance of Preston Park Railway Station. The city centre itself is also within walking distance and there is cycle parking proposed on the site, reducing occupants' reliance on private motor vehicles.
- 9.27. Concerns have been raised that the proposed development could lead to scooters being parked on the driveway. There is currently no restriction against scooters being parked on the site and this is not proposed to change; noise-

related complaints can be reported to the relevant authority, and this is not considered to be reason to withhold planning permission.

Biodiversity

- 9.28. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. Though a bee brick could physically be installed around the new entranceway to the building, it would not be near any pollinating plants and would be unlikely to attract a bee; therefore, it is not considered necessary in this instance.

Sustainability

- 9.29. Policy DM44 requires conversions of residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'C'. This can be secured by condition.

Other Considerations

- 9.30. A number of concerns have been raised regarding the impact the proposal will have on property values in the area. This is not a material planning consideration and cannot be taken into account in the determination of the application.
- 9.31. Concerns have been raised that the proposal represents overdevelopment. The external works are fairly limited and physically the building maintains its original character. In terms of occupancy the development would lead to a significant increase above what one might reasonably expect from a single dwellinghouse; however, the property is spacious, and it has been demonstrated that an acceptable standard of accommodation for up to eleven occupants can be achieved. Therefore, it is not considered that the development would be overdevelopment of the site.
- 9.32. Concerns have been raised in the representations received that local residents cannot be sure that the applicant will be a good operator of a large HMO as there are limited details about them in the application form. In the event permission is granted it would apply to the land rather than any individual, so the identity of the applicant is not a material planning consideration and has been given no weight in this assessment.
- 9.33. Clarification has been requested whether the property is proposed to be a short term visitor let or a 'party house'. There is no evidence to suggest that this is the case; use as a short term visitor let would not fall under the sui generis use of a large HMO. In the event the property is let as such this would represent a breach of planning control that could be managed through Planning Enforcement.

Conclusion

- 9.34. The proposed development is considered to be acceptable in principle, in terms of the standard of accommodation that would be offered to residents, its appearance, and the impacts it is anticipated to have on the amenities of local residents and on highway safety.

- 9.35. The potential impact on the amenities of local residents is acknowledged but it is considered that such impacts can be managed through a condition requiring a site management plan, which would be submitted to and approved by the LPA prior to occupation. Further conditions will be included to safeguard the amenities of local residents from overlooking, to ensure a good standard of accommodation is delivered, and to improve the sustainability of the development. It is considered that the benefits of the scheme outweigh the harm in this instance and that planning permission should be granted for the development. For the foregoing reasons the proposal is considered to be in accordance with policies CP8, CP11, CP12 and CP21 of the Brighton and Hove City Plan Part One, and DM1, DM7, DM18, DM20, DM21, DM33, DM35, DM36, DM40, DM43 and DM44 of the City Plan Part Two.

10. EQUALITIES

None identified.

11. CLIMATE CHANGE/BIODIVERSITY

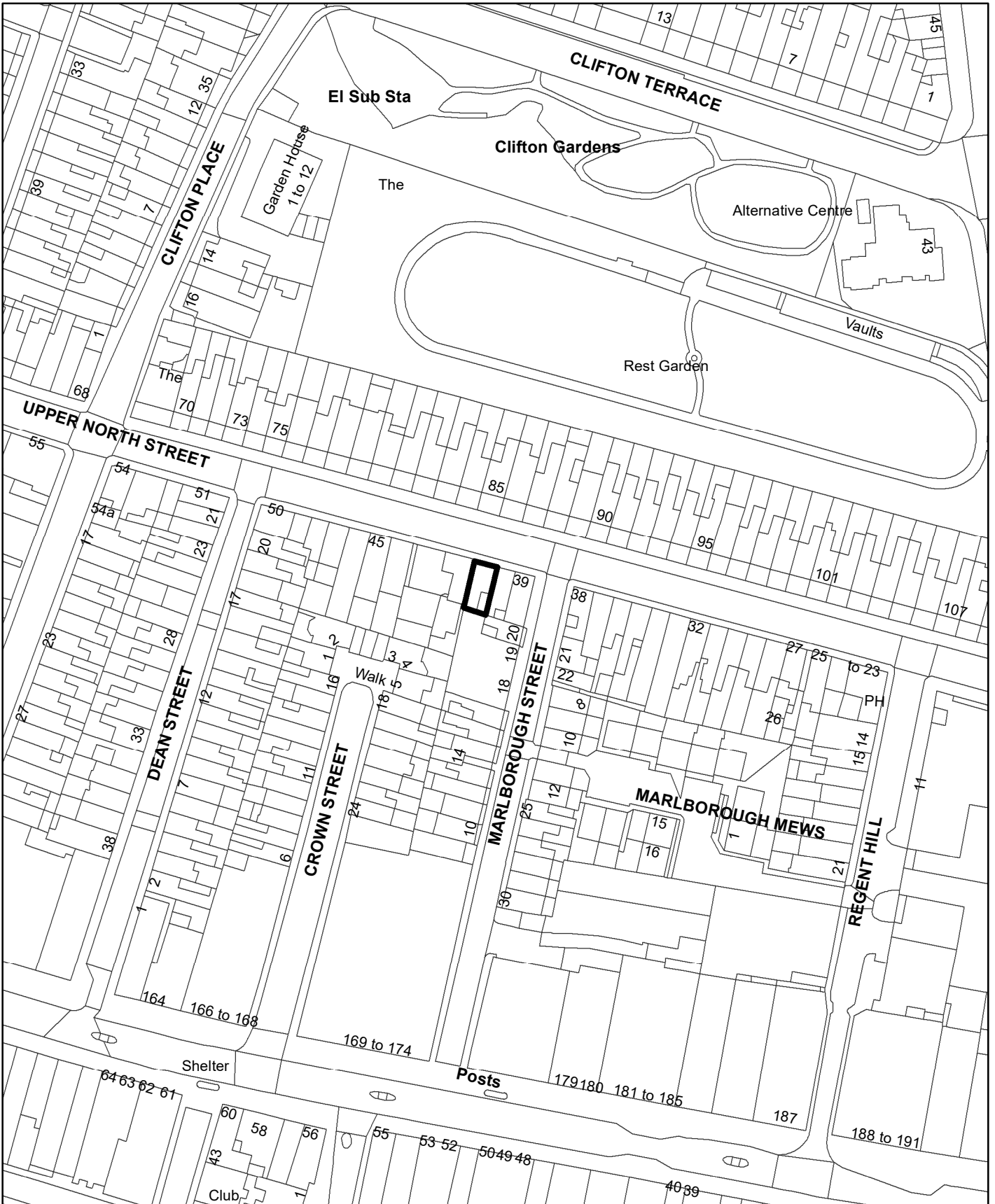
- 11.1. The application site is in a highly sustainable location in terms of transport, with bus routes and Preston Park Railway Station within walking distance. The inclusion of cycle parking within the development would also encourage trips to and from the site by more sustainable means than private motor vehicle.

ITEM D

**41 Upper North Street
BH2023/01414
Full Planning**

DATE OF COMMITTEE: 4th October 2023

BH2023 01414 - 41 Upper North Street



N



Scale: 1:1,250

<u>No:</u>	BH2023/01414	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	41 Upper North Street Brighton BN1 3FH		
<u>Proposal:</u>	Change of use from existing single dwelling house (C3) to 5no bedroom small house in multiple occupation (C4) including alterations to existing first floor rear terrace and addition of bike store (Part-retrospective). (amended plans received)		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	15.05.2023
<u>Con Area:</u>	Montpelier and Clifton Hill	<u>Expiry Date:</u>	10.07.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	JNF Architecture Limited Stamford Lodge Cumberland Road Brighton BN1 6ZE		
<u>Applicant:</u>	Mrs Kahir 3 King George VI Drive Hove BN3 6XF		

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			15 May 2023
Proposed Drawing	2312-JNF-XX-ZZ-DR-A-240	P4	1 August 2023
Proposed Drawing	2312-JNF-XX-ZZ-DR-A-241	P2	15 May 2023

2. The HMO (C4) hereby approved shall only be occupied by a maximum of five (5) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policies DM7 and DM20 of the Brighton and Hove City Plan Part Two.

3. The HMO use hereby approved shall only be carried out in strict accordance with the proposed layout detailed on the proposed floor plan ref. 2312-JNF-XX-ZZ- DR-A-240 revision P4 received on 1st August 2023 and shall be retained as such thereafter. The layout of the kitchen and dining space shall be retained as communal space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with Policies DM7 and DM20 of the City Plan Part Two.

4. The cycle parking facilities shown on the approved plans shall be retained for use by the occupants of, and visitors to, the development at all times.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Council from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. The applicant is advised that the granting of planning permission does not remove the need to obtain an HMO licence, and they should ensure all necessary licences are obtained from the Private Sector Housing Team.

2. SITE LOCATION

- 2.1. The application relates to a three-storey terraced building on the southern side of Upper North Street. The site is located within the Montpelier and Clifton Hill Conservation Area and is adjacent to the Grade II listed 42 Upper North Street to the west.
- 2.2. The site is subject to the city-wide Article 4 Direction that has removed the right to change the use class of any (C3) residential unit to a (C4) small house in multiple occupation.
- 2.3. The surrounding area is residential in character, with long terraces of two and three storeys buildings, some subdivided into flats, with occasional commercial uses at ground floor.

3. RELEVANT HISTORY

- 3.1. **BH2022/03484** - Change of use from existing single dwelling house to 6no bedroom small house in multiple occupation (C4). (Retrospective) Refused
The reason for refusal was:
"The proposed HMO, by reason of its limited gross internal area and undersized communal space and bedrooms, would provide a cramped, uncomfortable and oppressive standard of accommodation for residents. This would be contrary to policies DM1, DM7 and DM20 of the Brighton & Hove City Plan Part Two. "

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the change of use of the building from a dwellinghouse (C3) to a small (five-bedroom) House in Multiple Occupation (C4). The application is part-retrospective as a change of use to a small HMO has already occurred, however the application includes further revisions to the proposed internal layout.
- 4.2. The internal layout has been amended since the initial submission to relocate the communal areas to the ground floor.
- 4.3. It should be noted that the current application proposes a reduced number of occupants (five) than the previously refused application BH2022/03484 (six).

5. REPRESENTATIONS

- 5.1. Upon receipt of the application, the proposals were advertised in May 2023. **Seven (7)** letters of objection were received, raising the following points:
 - Harm to Conservation Area
 - Poor design
 - Poor outdoor space for residents
 - Inadequate cycle store
 - Fire safety concerns
 - Overdevelopment
 - Loss of property value
 - Noise and disturbance
 - No. 39 Upper North Street already a 'party house'
- 5.2. Following receipt of amended plans, the application was readvertised in August 2023. **Four (4)** letters of objection were received, with no new points raised other than those identified above.

6. CONSULTATIONS

- 6.1. **Housing:** No comment received
- 6.2. **Planning Policy:** No comment
- 6.3. **Private Sector Housing:**
Should the application be approved then the applicant will need to apply for a HMO Licence. This can be done on-line via the council's website.
- 6.4. **Sustainable Transport:** Verbal comments
No objection, subject to the cycle parking condition to be attached.

- The applicant indicates 3 cycle parking spaces at the back decking/courtyard of this proposal. This is in accordance with the minimum required by SPD14. However, there are no details regarding the cycle parking store. We would therefore request further details via condition.
- The applicant is proposing no car parking on site and overspill may occur on the public highway due to this development. This site is located in a Controlled Parking Zone (CPZ Z). On assessment of CPZ Z there appears to be capacity for additional car parking on-street. We would therefore wish not object to that.
- The proposed change of use from a dwelling house to a small HMO are likely to increase the number of trips to the location however, these are unlikely to be significant enough to object.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP8 Sustainable buildings

CP9 Sustainable transport

CP12 Urban design

CP15 Heritage

CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix

DM7 Houses in Multiple Occupation (HMOs)

DM18 High quality design and places

DM20 Protection of Amenity

DM26 Conservation Areas

Supplementary Planning Documents:
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the impact upon neighbouring amenity, the standard of accommodation provided and transport matters.

Principle of Development:

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
*"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 9.3. A mapping exercise has been undertaken which indicates that there are 56 residential properties and flats within a 50m radius of the application property, 4 of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is 7.1%. The existing percentage of neighbouring properties in HMO use is less than 10%, and the change of use of the property to a Sui Generis HMO would therefore not conflict with the requirements of policy CP21.
- 9.4. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:
"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:
- a) *fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
 - b) *the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
 - c) *the proposal does not lead to a continuous frontage of three or more HMOs;*
 - d) *the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*

e) *communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."*

9.5. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 3.4% and therefore criterion a) has been met. Criterion b) the area has been assessed and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; and would not lead to a continuous frontage of three or more HMOs so accords with criterion (c). Considerations regarding amenity space and communal living (criteria d) and e)) are set out below.

9.6. On this basis, the scheme is considered to accord with Policy CP21 and with criteria a), b) and c) of Policy DM7.

Design and Appearance:

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

9.8. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".

9.9. The proposed external alterations are minor in nature, comprising the reduction in depth of the terrace area at rear first floor, and the addition of wall-mounted cycle stands at the rear south-east corner of the site. These alterations are considered acceptable in terms of design and appearance and would not harm the character and appearance of the Conservation Area or the setting of the nearby listed buildings.

Impact on Amenity:

9.10. 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.

9.11. The use of the building as a small HMO (five occupants) is considered unlikely to result in a significant increase in noise disturbance compared to the lawful C3 dwellinghouse use. In any instance, potential noise and disturbance can be described as "functions of the way particular residents behave rather than being inherently dependant on the status of the property as a dwellinghouse or HMO", as noted by an Inspector in a previous appeal decision (APP/Q1445/W/20/3254632 relating to application BH2019/01490 at 64 Islingword Road). The number of occupants proposed is not significantly different to what would be expected for a family dwellinghouse under the existing

lawful use of the building, and it is therefore considered it would be unreasonable to refuse this development on the assumption that future residents would behave in a problematic manner.

9.12. It is noted that an HMO would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards as well as other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.

9.13. Accordingly, the proposed use of the property as a HMO for up to 5 persons is considered not to be detrimental to neighbouring amenity or the amenity of the area. Therefore, the proposal is considered in accordance with Policy DM20 of the City Plan Part Two.

Standard of Accommodation:

9.14. Policy DM1 of the City Plan Part 2 adopts the Nationally Described Space Standards (NDSS). The proposals are also considered against DM7 which sets the expected standards of accommodation for HMOs.

9.15. The available floorspace is considered in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.

9.16. The proposed HMO would be a five-bedroom, five-person dwelling across three storeys with a GIA of 110sqm. The NDSS gives no direct comparator, with the closest example being a five-bedroom, six-person, three-storey dwelling which requires a minimum of 116sqm GIA to comply. Notwithstanding, given the low margin of difference, and that the NDSS minimum is for a dwelling with 20% greater occupancy than what is proposed, it is considered that the minor shortfall in this regard is unlikely to result in significant harm to the standard of accommodation provided by the proposed HMO.

9.17. As amended, the bedrooms of the proposed HMO would have areas of 11.2sqm, 15.2sqm, 8.2sqm, 13.3sqm and 8.9sqm. Each of the bedrooms would be of regular proportions allowing space for furniture and circulation and would have access to natural light and outlook. The amendments to the internal layout would avoid having bedrooms to the rear of the ground floor where occupants would be overlooked from the outdoor amenity area. W/C facilities would be located on the first floor, with two of the bedrooms having ensembles.

9.18. No section drawings have been provided to demonstrate the available headroom within the building. Notwithstanding, the building is established as a residential dwelling and it is considered that the headroom requirements of an HMO would not be dissimilar to those of a dwellinghouse within Use Class C3.

9.19. Policy DM7 advises that the minimum size of usable communal living space should be 4sqm per person as well as factors such as usability and configuration

of the space being taken into account. Communal spaces play a crucial role in accommodation of this type as inadequate communal areas increase the time occupants must spend in individual bedrooms. The communal areas proposed would comprise an 8.6sqm kitchen and an 11.4sqm dining/living room, for a total of 20sqm of communal space.

- 9.20. On the basis of five-person occupancy, this is in accordance with Policy DM7 which seeks to secure a minimum of 4sqm of communal space per occupant. Occupancy levels can be secured by a recommended condition.
- 9.21. Whilst the rear communal room is shown as a dining room only, the furniture layout is indicative and this room appears to also provide sufficient space for general relaxation/socialisation. The continued retention of the communal space can be secured by a recommended condition.
- 9.22. Some outdoor amenity space would be available to residents in the form of the rear courtyard. Whilst not of a particularly generous size, this would provide some benefit to residents and is considered not to be an objectionable element of the scheme.
- 9.23. Overall, it is considered that the HMO, as amended, would provide an acceptable standard of accommodation for the number of occupants proposed, in accordance with policies DM1 and DM7 of the City Plan Part Two.

Sustainable Transport:

- 9.24. The proposed change of use is likely to result in some increase in trips to and from the site, however this is unlikely to be to an extent that would have a significant impact on the highway network.
- 9.25. SPD14 minimum standards would require a minimum of three cycle parking spaces for the development. The amended proposed plans show three cycle parking spaces in the rear amenity area in a covered, wall-mounted arrangement. Whilst this type of stand is not ideal from an accessibility/ease of use perspective, and nor is the location the most convenient due to having to manoeuvre bikes through the internal hallway, it is recognised that the site is constrained for space. Alternative locations may not be available, and a stand type with a larger footprint would further compromise the already limited outdoor amenity space. The proposed cycle parking would be covered and secure, and the site is well located for sustainable transport modes with bus stops nearby. For these reasons the proposed cycle parking arrangement is considered not to be objectionable.
- 9.26. No on-site car parking is proposed, in accordance with SPD14 maximum standards. The site is located within a Controlled Parking Zone (CPZ) with the issuance of on-street parking permits at the discretion of the Local Highways Authority.

Other Considerations:

- 9.27. Public representations have raised that no. 39 Upper North Street is used as a 'party house'. With respect to the 'sandwiching' requirement of Policy DM7(b)

this is only in relation to HMO uses. Short term holiday lets do not constitute HMOs.

- 9.28. With regard to matters of fire safety, this falls within the remit of the Building Regulations.

10. EQUALITIES
None identified.

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. Covered, secure cycle parking for occupiers is proposed.

ITEM E

**45 George Street
BH2023/01522
Full Planning**

DATE OF COMMITTEE: 4th October 2023

BH2023 01522 - 45 George Street



N



Scale: 1:1,250

<u>No:</u>	BH2023/01522	<u>Ward:</u>	Kemptown Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	45 George Street Brighton BN2 1RJ		
<u>Proposal:</u>	Change of use from tattoo parlour (Sui Generis) to low/non-alcoholic bar (Sui Generis). (Retrospective).		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	08.06.2023
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	03.08.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Torstigbar Ltd Unit 3 45 Albion Court George Street Brighton BN2 1RJ		

1. RECOMMENDATION

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			25 May 2023
Proposed Drawing	D100		25 May 2023
Proposed Drawing	D200		25 May 2023
Proposed Drawing	D205		7 June 2023
Other	Noise Impact Assessment		17 August 2023

- The use hereby permitted shall not be carried out except between the hours of 17:00 and 23:00 on Tuesdays to Fridays and 13:00 and 23:00 on Saturdays (except for up to five days per calendar year when the premises may operate between the hours of 17:00 and 01:00 on any given day) for special events.

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

- The use hereby permitted shall be carried out in accordance with the recommendations contained in the Noise Assessment report received on the 17th August 2023.

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

Informatives:

- 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 application does not purport to grant advertisement consent for the projecting sign to the front elevation of the property. A separate application for advertisement consent should be sought for this alteration.

2. SITE LOCATION

- 2.1. The application relates to a ground floor commercial unit situated within a three-storey, mid terrace building. The two floors above the application property are in residential use. The property is situated on George Street which comprises a mix of commercial and residential units. The property is also located within the East Cliff Conservation area.

3. RELEVANT HISTORY

- 3.1. **BH2017/02453**: Change of use from retail (A1) to tattoo shop (Sui Generis). Approved June 2019.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the retrospective change of use from tattoo parlour (Sui Generis) to low/non-alcoholic bar (Sui Generis).

5. REPRESENTATIONS

- 5.1. **Fifteen (15)** letters of representation have been received objecting to the proposed development on the following grounds:
 - There have been noise nuisance complaints
 - Questioned whether appropriate noise checks have been carried out
 - Music played until late at night
 - Late opening hours
 - The buildings above are residential and suffer frequent disturbance
 - The change of use is unsuitable
 - The building pre-dates modern construction standards and noise travels throughout the building
 - People gather on pavements outside the entrance to the residential units
 - George Street already has too many bars/coffee shops
 - Impact on property values
 - The previous commercial uses have been during the daytime
- 5.2. **Ninety Six (96)** letters of representation have been received in support of the application on the following grounds:

- The bar is a welcoming, inclusive and safe place
- The bar provides a safe venue for those who cannot or choose to not drink alcohol
- The council should support small and innovative businesses
- People travel into the city to visit the bar and boost the local economy
- The bar is a community and cultural asset
- The bar decreases anti-social behaviour
- This is the only non-alcoholic bar in the city
- The bar is less disruptive than a traditional bar
- The street already has traditional bars/pubs on it
- The bar works alongside local suppliers and businesses
- Never issues with antisocial behaviour
- Supports the mental health of Brighton residents
- The bar is considerate to neighbours
- The bar helps to lift the look of the street
- The bar provides choice and variety for non-drinkers

6. CONSULTATIONS

Internal

- 6.1. **Environmental Health** Initial comments 29.06.2023 Further information required

A noise impact assessment should be submitted as part of the application.

Comments following submission of a noise impact assessment 08.09.2023

- 6.2. Approval of the application is recommended, there are no objections to the scheme from a noise perspective.

- 6.3. **Highways** No objection

External

- 6.4. **Sussex Police** No objection

There are no concerns from a crime prevention viewpoint.

7. MATERIAL CONSIDERATIONS

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

- 7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP2 Sustainable economic development

CP4 Retail Provision

CP5 Culture and Tourism

CP8 Sustainable buildings

CP9 Sustainable transport

CP15 Heritage

Brighton & Hove City Plan Part 2

DM12 Regional, Town, District and Local Shopping Centres

DM20 Protection of Amenity

DM26 Conservation Areas

Supplementary Planning Documents:

SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, impact on the wider conservation area, the impact on neighbouring amenity and sustainable transport impacts.
- 9.2. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

Principle of development

- 9.4. This application seeks permission for the retrospective change of use from a tattoo parlour (sui generis) to a low/non-alcoholic bar (sui generis). Whilst both uses fall within the sui generis use class, planning permission is required for any change in the use of the premises.
- 9.5. Planning permission was granted in 2017 for the use of the application site as a tattoo parlour. Since November 2022, the property has been in use by the current occupiers, Torstig, comprising a low/non-alcoholic bar, serving low or no

alcohol beverages. The bar does not serve any drinks that contain more than 0.5% alcohol.

- 9.6. The former use of the site as a tattoo parlour is not protected by local plan policies and the loss of this former use is therefore considered acceptable. The application site is located within a defined Local Shopping Centre under policies CP4 of City Plan Part One and DM12 of City Plan Part Two, and retains a commercial use at ground floor which provides an active frontage, which accords with policy. It is further considered that the change of use will still maintain the commercial character of the street at ground floor level, and therefore will not impact the character of the conservation area.
- 9.7. The change use to a low/non-alcoholic bar is therefore considered acceptable in principle.

Design and Appearance

- 9.8. No external changes are proposed as a part of this application. The only difference between the current external appearance and that previous is the external paint finish which did not require planning permission.
- 9.9. It is noted that concerns have been raised by neighbours regarding a drop-down bench that had been installed to the shop front of the building. This temporary structure had been installed to allow patrons to sit outside the bar. The applicant has confirmed that this alteration to the building does not form part of this planning application and has provided evidence to demonstrate that the bench has now been removed. The application does not therefore propose any external seating.
- 9.10. The change of use will not impact upon the character of the host building and will similarly not impact upon the character of the conservation area, given the retention of a commercial use, which will retain a shopfront and attract pedestrians in a similar fashion as the previous use. Accordingly, the application will preserve the character and appearance of the conservation area in accordance with national policy and City Plan Part One policies CP12 and CP15 and City Plan Part 2 policies DM18 and DM26.
- 9.11. It is noted that the plans include a projecting sign to the right-hand side of the front elevation. This application does not purport to grant advertisement consent for this advertisement. A separate application for advertisement consent is required for this addition.

Impact on Amenity:

- 9.12. Policy DM20 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.13. The application is supported by an acoustic report. The submitted noise impact assessment seeks to provide assurance that the bar would not result in harm to

neighbouring residential properties, particularly those above the application site in Albion Court.

- 9.14. The proposed bar operates 5 days a week, Tuesday to Friday 5pm-11pm and on Saturdays 1pm-11pm. Whilst background music is played on site through speakers, no live music is played in the premises.
- 9.15. It is understood that during the lifetime of the application and since initial complaints were received (and prior to the submission of a noise impact assessment), the applicant has put measures in place to reduce noise levels within the bar. Measures include relocating the speakers to a lower position away from the ceiling and installation of thick curtains to the rear of the bar. Further, the removal of the bench to the front of the property which provided an external seating area for patrons will limit noise outside the premises.
- 9.16. The applicant has also decreased volume levels of any music played within the venue in accordance with advice given by Environmental Health. During an officer site visit, these noise levels were clearly displayed behind the bar for all staff members to follow.
- 9.17. The noise impact assessment submitted is considered to be robust in its methodology and analysis of results, as confirmed by the council's Environmental Health Team. The report concludes that even with the worst-case scenario applied, (based on hourly internal sound pressures in the bar recorded over a three day period) the predicted sound impact within the living room of the property directly above the bar (which would be most affected), would be within industry standard guidelines. The report therefore concludes that the proposed use of the application property would not have a harmful impact on neighbouring residential occupiers by way of noise impact.
- 9.18. The applicant has requested that the bar have extended opening hours to cover a small number of exceptional events such as New Year's Eve and Eurovision. Given that these extended hours would occur during night-time hours (23:00-07:00) consideration has been given to the additional impact this may have on the nearest residential properties. From the results set out in the noise impact assessment, it is evident that the worst-case scenario in terms of noise volume, even when applied during night-time hours would not exceed the industry guidelines. For reference the predicted sound impact in the residential unit above would be 26dB, below the night-time criterion of 30dB. Given the infrequency of these later openings, which would be limited to a maximum of 5 times per year, this is on balance considered acceptable.
- 9.19. There have been no changes to the property that would impact the privacy of neighbouring occupiers and therefore no objection is had in this regard.
- 9.20. The proposed use of the site as a commercial bar is appropriate in this mixed-use location and is not considered to result in harmful amenity impact to neighbouring properties. As such, subject to conditions restricting opening hours, the development is in accordance with Policy DM20 of the Brighton and Hove City Plan Part 2.

Sustainable Transport:

- 9.21. The change of use would not generate significant additional vehicle movements over and above those associated with the previous use. There are a number of bars and shops in this street and therefore the increase in trips is likely to be linked to close by amenities. No additional parking is being proposed and therefore the scheme would accord with the objectives of City Plan policy CP9 which encourages sustainable transport. There is an existing loading bay located in close proximity to this proposal. This will facilitate the loading and unloading of supplies.

- 9.22. The application does not propose any cycle storage. However, the only location for possible bike storage would be at the rear of the property which would be difficult to access. The building is located close to public transport and there are public cycle storage facilities on nearby St. James's Street. Cycle storage facilities are therefore not requested in this instance.

10. EQUALITIES

- 10.1. None identified.

11. CLIMATE CHANGE/BIODIVERSITY

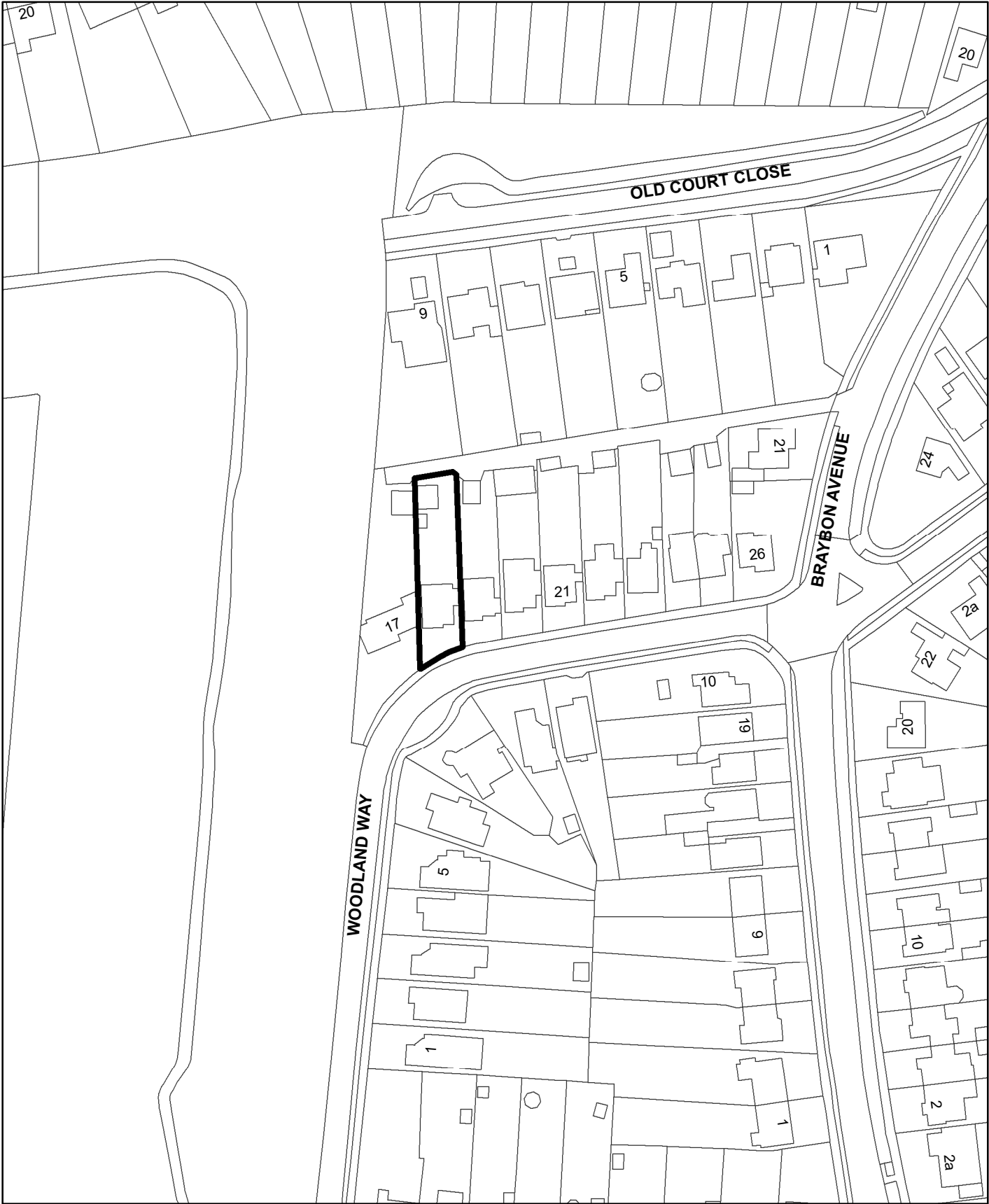
- 11.1. None identified

ITEM F

**18 Woodland Way
BH2023/01950
Full Planning**

DATE OF COMMITTEE: 4th October 2023

BH2023 01950 - 18 Woodland Way



N



Scale: 1:1,250

<u>No:</u>	BH2023/01950	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	18 Woodland Way Brighton BN1 8BA		
<u>Proposal:</u>	Replacement of rear garage with garden annex incorporating change of use from residential (C3) to holiday let accommodation (Sui Generis).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	21.07.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15.09.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	ADC Ltd Citibase Brighton 95 Ditchling Road Brighton BN1 4ST		
<u>Applicant:</u>	Ms Rainbow 18 Woodland Way Brighton BN1 8BA		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	ADC 1526/LP		11 July 2023
Proposed Drawing	ADC 1526/04		11 July 2023
Proposed Drawing	ADC 1526/05		11 July 2023

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The short term visitor accommodation hereby approved development shall be occupied by a maximum of two (2) persons at any time.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policies DM20 of the Brighton & Hove City Plan Part Two.
4. The short term visitor accommodation hereby approved shall not be let to or occupied by any person or group for more than 28 consecutive days at a time.

Reason: To protect future occupiers from unsuitable long term accommodation and to prevent the unit from being used as longer term accommodation to the detriment of residents in accordance with policies DM1 and DM20 of the Brighton & Hove City Plan Part Two.

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

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

6. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Schedule 2, Part 2, Class A shall be carried out including the erection, construction or material alteration of any gate fence, wall or means of enclosure without planning permission obtained from the Local Planning Authority.

Reason: To ensure the holiday let is not inappropriately subdivided from the main property and to safeguard amenity and to protect the character and appearance of the locality, to comply with policies CP12 of the Brighton and Hove City Plan Part One and policies DM18, DM20 and DM21 of the Brighton and Hove City Plan Part Two.

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to a detached single storey dwelling with accommodation in the roof space on the northern side of Woodland Way. There is a single storey garage at the rear of the site accessed via an unmade track leading from Braybon Avenue.

- 2.2. The local area is residential in character comprising detached dwellings set in verdant plots but with minimal spacing between each dwelling. Rear garages/single-storey outbuildings of varying footprints are present to each of the dwellings on the northern side of Woodland Way, each served by the same unmade track.

3. RELEVANT HISTORY

- 3.1. None identified.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the replacement of the rear garage with a single storey garden annex building, and for the use of this building as a holiday let (sui generis).

5. REPRESENTATIONS

- 5.1. **Six (6) letters of objection:**
- Additional traffic
 - Noise
 - Loss of privacy
 - Out of character for neighbourhood
 - Use of private track
 - Drainage and sewage capacity
 - Precedent for similar developments
 - Anti-social behaviour from holiday let occupiers

6. CONSULTATIONS

- 6.1. **Sustainable Transport: Verbal comment**
Acceptable, subject to the cycle parking condition to be attached.
- 6.2. The applicant is proposing the access to the rental home from the private road which leads to the back of 18 Woodland Way, where the development is proposed.
- 6.3. It is noted that this road has no sufficient surface to serve a non-residential trip. Moreover, there is no pedestrian footway, so the proposed development is likely to cause some risks to the pedestrians.
- 6.4. Ideally, street infrastructure should be provided (footway).
- 6.5. No cycle parking is proposing. Parking Standards SPD14 requires a minimum of 1 cycle space for the 1-2-bedroom dwellings. There appears to be space

on site to accommodate secure cycle parking. A cycle parking scheme should be secured via condition.

- 6.6. The conversion of the garage would result in the loss of two on-site car parking spaces. This site is not located in a Controlled Parking Zone, and the proposal is unlikely to result in significant parking capacity issues on the highway.

7. MATERIAL CONSIDERATIONS

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

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP6 Visitor accommodation
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design

Brighton & Hove City Plan Part Two

DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM33 Safe, Sustainable and Active Travel
DM37 Green Infrastructure and Nature Conservation
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD11 Nature Conservation & Development

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposals, the impact upon neighbouring amenity, the standard of accommodation provided and sustainable transport matters.

Principle of Development:

- 9.2. Policy CP6 of the City Plan Part One states that the council will support the provision of a wide-ranging type of visitor accommodation. The proposed conversion of the garage to short term visitor accommodation/a holiday let (sui generis) would further this objective.
- 9.3. There would be no net loss of residential dwellings as the main building would be retained.

Design and Appearance:

- 9.4. The existing garage is a nondescript single-storey structure, made in concrete with a corrugated roof. No objection is raised to its loss in relation to matters of design and appearance.
- 9.5. The proposed building would occupy the same footprint as the garage and would remain single-storey in scale, but would have a higher-quality appearance with walls stated to be finished in brick and a tiled pitched roof. Fenestration would be in white UPVC.
- 9.6. The gable end and steeper pitch of the roof as proposed would increase the visual impact of the building compared to the existing garage. However, the eaves lines would remain as existing, and it is considered that the proposed building would nevertheless remain subordinate in scale to the main house. Moreover, the building would sit comfortably within its context and due to its location would not be visible from the public realm.
- 9.7. The proposal is therefore considered acceptable in terms of design and appearance, in accordance with Policy CP12 of the City Plan Part One and Policies DM18 and DM21 of the City Plan Part Two.

Impact on Amenity:

- 9.8. 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.

- 9.9. Concerns have been raised by public objections regarding the potential for noise disturbance arising from the proposed use as a holiday let/short term visitor accommodation.
- 9.10. Whilst these concerns are recognised, it is considered that the modest scale of the building limits the maximum number of occupants which in turn limits the anticipated impact upon neighbouring amenity.
- 9.11. It is considered that an occupancy of two (2) persons is the maximum that could reasonably be accommodated, and the applicant is agreeable to a recommended condition securing this upper limit.
- 9.12. In terms of overshadowing and sense of enclosure, no significant impact is anticipated due to the retention of the existing side eaves heights and the distance to sensitive windows in neighbouring properties given its location at the rear of the property. The gable ends would face south towards the existing dwelling and north over the unmade track.
- 9.13. In terms of overlooking, the proposed porthole windows to the gables and rooflights would not afford additional or increased views towards neighbours, as the accommodation is located on the ground floor with no first floor or internal mezzanine proposed.
- 9.14. In terms of comings and goings, the proposal would replace the existing double garage and it is unlikely that vehicle trips to and from the proposed accommodation (utilising the one retained parking space) would be significantly increased compared to what could take place under the existing arrangement. Subject to condition 4 and the limited use of the accommodation, it is not considered that the holiday let would result in increased noise and disturbance that would justify refusal of the application.
- 9.15. There is one dwelling that adjoins the unmade track - 21 Braybon Avenue but this is located at the eastern end of the track. The proposed holiday let would be located a significant distance from No.21 towards the western end of the track and it is considered that the proposal would be unlikely to give rise to significant additional disturbance in view of this track already serving nine other dwellings.
- 9.16. No conflict with Policy DM20 of the City Plan Part Two is therefore identified, subject to the recommended conditions.

Standard of Accommodation:

- 9.17. The proposed building is considered to provide acceptable short-term accommodation for up to two persons. It is considered that restrictions are necessary to ensure that the unit is not let to more than two people at any given time, and to limit the amount of time any visitor(s) may rent the unit for, since due to its limited size (22sqm) the building is considered not to be acceptable as self-contained accommodation for more than two people, or for an extended period of time.

Sustainable Transport:

- 9.18. The proposal would result in the loss of two of the car parking spaces on site. One space would be retained for use of the holiday let. The site is not located within a Controlled Parking Zone (CPZ) and the Transport team is satisfied that there is likely to be sufficient spare capacity to accommodate any overspill demand arising, this is therefore unlikely to result in a significant uplift in vehicle trip generation or a severe impact upon the highways network.
- 9.19. The Transport team's request to secure a footway along the unmade track is noted, however given that this is an existing access point for 10 dwellings (including the application site as existing) this would be unreasonable and unrealistic to require as part of this development.
- 9.20. A condition is recommended to secure details of secure cycle parking for occupants of the proposed short term visitor accommodation.

Other Considerations:

- 9.21. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. EQUALITIES

No issues identified.

11. CLIMATE CHANGE/BIODIVERSITY

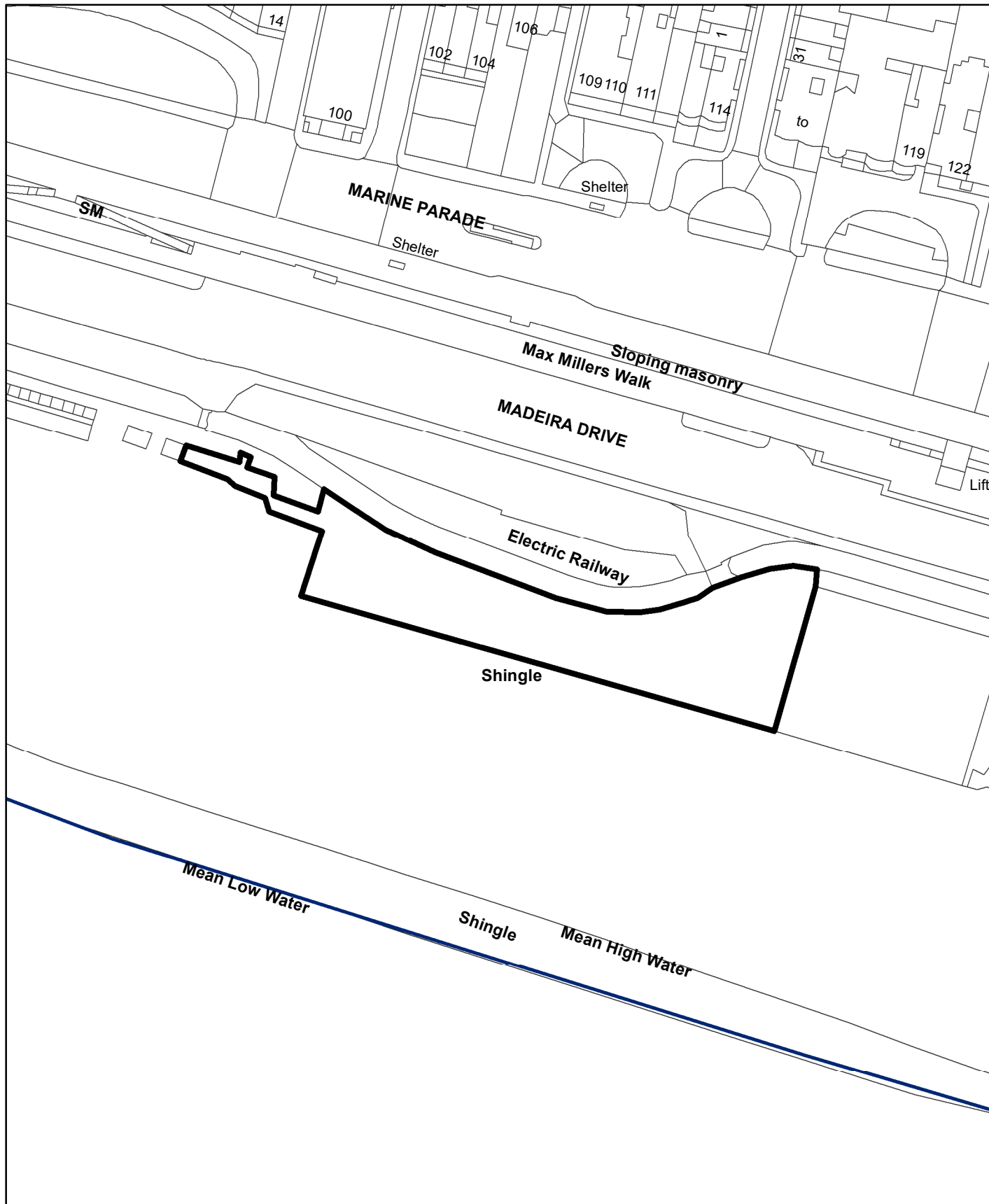
- 11.1. A bee brick is to be secured by condition, as are details of cycle parking to encourage sustainable travel to and from the site.

ITEM G

**Former Peter Pan's Playground Site,
Madeira Drive
BH2023/01955
Full Planning**

DATE OF COMMITTEE: 4th October 2023

BH2023 01955 - Former Peter Pan's Playground Site, Madeira Drive



Scale: 1:1,250

<u>No:</u>	BH2023/01955	<u>Ward:</u>	Kempton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Peter Pan's Playground Site Madeira Drive Brighton BN2 1EN		
<u>Proposal:</u>	Erection of 4no beach locker blocks (retrospective).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	28.07.2023
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	22.09.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Mark Uren, The Suite, 1 Cedar Chase, Findon, BN14 0US		
<u>Applicant:</u>	Sea Lanes Brighton Ltd, 1 Cedar Chase, Findon, Worthing, BN14 0US		

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	P-2023-11-01		18 July 2023
Block Plan	P-2023-11-03		18 July 2023
Proposed Drawing	P-2023-11-04		18 July 2023
Proposed Drawing	P-2023-11-05		18 July 2023
Proposed Drawing	P-2023-11-06		18 July 2023
Proposed Drawing	P-2023-11-07		18 July 2023
Proposed Drawing	P-2023-11-10		18 July 2023

2. The storage structures hereby permitted shall be removed at the same time as the modular building units (Sea Lanes Site A planning reference BH202/01018) or by the 1st April 2032, whichever is the sooner and the land restored to its former condition.

Reason: The buildings hereby approved are not considered suitable as a permanent form of development to safeguard the visual amenities of the area and to comply with policies SA1 of the City Plan Part One and DM26 and DM29 of City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION

- 2.1. The application relates to a Council-owned area of shingle beach to the south of Madeira Drive and the Volks Railway Line, to the west of and partially overlapping with Sea Lanes Site B (which includes the swimming pool). The westernmost part of the one- and two-storey modular structures of Sea Lanes Site A are located to the north across the Volks Railway Line.
- 2.2. The site has historically hosted single storey storage structures on four concrete bases, however aerial imaging shows that these pre-existing structures had been removed by October 2018. The concrete bases were retained.
- 2.3. Further to the west, on either side of the vehicle access over the Volks Railway Line, are located three further single-storey structures, one of which is substantial in length.
- 2.4. This site is in the East Cliff Conservation Area and near to the grade II* listed Madeira Terraces, Lift and associated buildings, with the route of the historic Volks Electric Railway adjacent to the site.

3. RELEVANT HISTORY

- 3.1. **BH2021/04524** - Non-material amendment to application BH2020/01018 to permit alterations to courtyard area, loading bay, pool access, roof materials, doors and windows. Increased green roof areas where pitched roofs removed and pool building roof terrace replaced with solar panels. Approved
- 3.2. **BH2020/01018** - Application for variation of conditions 1, 3 and 23 of BH2019/00293 (as amended by BH2019/03686) to allow amendments to approved drawings to include reduced number of modular building units (from 107 to 74), increased overall floorspace (from 1372sqm to 1421sqm), enlarged swimming pool (from 25m x 12m to 50m x 12m) and to allow permanent consent for swimming pool and 10 year temporary consent for modular buildings (from previous 5 year temporary consent for whole scheme). Approved
- 3.3. **BH2019/03695** - Retention of temporary buildings and erection of new temporary buildings to provide yoga and wellness studio, saunas, endless swimming pool and studio and changing rooms (D2 use), pop up beach bar (A4 use) and associated storage, plant and fencing, and use of land for general leisure/therapy use and pop-up events (D2/D1 uses) for a temporary period. (Extension of time period until 31 October 2021) Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of four single-storey beach locker blocks. The locker blocks are located on the four pre-existing concrete bases and are in blockwork, painted white with a felt roof. The northern facades of the locker blocks have been painted in vibrant street art.
- 4.2. The lockers are for use by local organisations including the Brighton Surf Life Saving Club (BSLSC), Paddle People and Swimtrek to store equipment including rescue boards and race boards.
- 4.3. The lockers have already been constructed and the application is therefore retrospective.
- 4.4. Planning permission was originally sought for the lockers as a permanent addition, however due to concerns regarding the visual impact of the lockers it is considered that a temporary permission to align with the timeframe for the modular buildings on Sea Lanes Site A is appropriate. This is to be secured by a recommended condition.
- 4.5. The application originally also sought permission for the deployment of a moveable lifeguard station. This however is considered not to constitute development requiring planning permission due to its moveable/temporary nature.

5. REPRESENTATIONS

- 5.1. **Forty-six (46)** letters of support, raising the following points:
 - Good design
 - Enhances Sea Lanes development
 - Vital storage for charity after losing previous venue
 - Promotes safety of seafront as club members aid the public
 - Endorse statement by the BSLSC
 - Attractive murals
- 5.2. **Ten (10)** letters of objection, raising the following points:
 - Overdevelopment
 - Poor design
 - Loss of view
 - Surf Lifesaving Club is a club with a membership fee
 - Have been built without permission
 - Development creep/privatisation across the beach
 - Object to the faux-graffiti style painting of the lockers
 - Poor location blocking view of the sea
 - The pedestrian crossing over the railway and the access to the lockers should be improved
 - The land is owned by the Council
- 5.3. **Lloyd Russell-Moyle MP** has written to support the application for the following reasons:

- Replacement of pre-existing structures, to a higher standard
- Views not obstructed

6. CONSULTATIONS

External

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

The Group agreed with the Heritage Team's conditions that the blockwork should be painted white or cream, and maintained as such, and that the locker structures should be removed on cessation of use by BSLSC.

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

6.3. **Sussex Police Community Safety:**

To protect the equipment stored inside the lockers, consideration should be given to the fitting of a fit for purpose alarm system.

6.4. Thought should be to a battery-operated alarm system which will act as an audible deterrent out of hours when the lockers are not being used.

6.5. Any padlocks fitted to secure the doors to the beach lockers should be of a robust construction and be bolt cutter resistant.

6.6. In relation to the deployable/movable lifeguard station again as with the beach lockers a battery-operated alarm system will act as an audible deterrent out of hours when not in use.

Internal

6.7. **Environmental Health: No comment**

6.8. **Heritage: No objection subject to conditions**

The application states that the structures will be formed of concrete blocks painted white, however as currently built these structures have been finished on their northern elevations in vibrant street art. A muted materials pallet was required for the Sea Lanes development (as approved under application BH2021/02718) and it is considered that the same principles should apply to these structures, particularly in the event of the removal of Sea Lanes structures on expiry of the temporary permission (removal required in accordance with application BH2020/01018 no later than April 2032), which would leave these locker structures prominently visible from the public realm.

6.9. Overall, the buildings cover a significant site area (locker No. 3 is particularly broad), and they are unrelieved in their built form, as such, aesthetically they are not considered to make a positive contribution to the Conservation Area. It is therefore considered that any approval for these structures should be linked to their association with the Brighton Surf Life Saving Club, and if the club were no longer to have a presence on this part of the seafront the buildings should be removed.

Update 6th September

- 6.10. At present the north elevations are largely screened by the temporary element of the Sea Lanes development. It remains that the vibrant paint finishes are considered inappropriate in this setting, however the identified harm is somewhat mitigated by being partly concealed from wider views, and therefore the alternative condition to that previously requested by the heritage team would be considered acceptable, and the structures should be required to be removed at the end of the 'site A' temporary approval period.
- 6.11. **Planning Policy:** No comment
- 6.12. **Seafront Development Manager:** No comment received
- 6.13. **Sports Facilities:** No comment received
- 6.14. **Sustainable Transport:** No objection

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA1 The Seafront

CP12 Urban design

CP15 Heritage

CP16 Open space

Brighton & Hove City Plan Part Two

DM15 Commercial and Leisure Uses on the Seafront

DM18 High quality design and places

DM20 Protection of Amenity
DM26 Conservation Areas
DM29 The Setting of Heritage Assets
DM39 Development on the Seafront

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development and the design, appearance and Heritage impact of the proposal.

Planning Policy:

- 9.2. The proposed storage lockers are to be utilised by local organisations such as Brighton Surf Life Saving Club (BSLSC) - a local charity, as well as Paddle People and Swimtrek, for the storage of equipment in relation to their operational activities. It is understood that the lockers would not be available to members of the general public.
- 9.3. This is considered to form a use that is appropriate to this part of the seafront. The lockers are located in an area that is currently host to similar storage structures, and are on the same footprint as pre-existing storage lockers.
- 9.4. The proposals would support the year-round sport and leisure role of the seafront in accordance with Policy SA1, and would be small-scale and would improve access to sea-based activities in accordance with Policy DM39.
- 9.5. The re-use of the existing vacant concrete bases for (as is recommended) a temporary period would accord with Policy DM15.
- 9.6. With regard to the criteria of Policy CP16, it is considered that exception (c) would be met. The proposal would be ancillary to the sport and leisure use of the Sea Lanes site and the wider beach, and would result in only a small loss of open space utilising pre-existing concrete bases which have hosted similar storage structures in the past. Any loss of Open Space would therefore be minor and would not be considered to warrant refusal of the application.
- 9.7. For reasons that will be identified subsequently, there would be some partial conflict with Policy SA1 of the City Plan Part One, which identifies a priority of preserving and enhancing the character and appearance of the Conservation Areas along the seafront. In terms of visual impact the proposals are considered not to conserve or enhance the East Cliff Conservation Area or the setting of the Grade II* listed Madeira Terraces. The harm caused is considered to be less than substantial for the purposes of NPPF paragraph 202.
- 9.8. However, the purpose of the lockers to provide storage for local charities/organisations is recognised, and the LPA would not necessarily wish to discourage this. In the case of the use by BSLSC, this is considered to constitute a public benefit that could weigh in favour of the development. Paddle People

and Swimtrek are understood to be more commercially orientated operations and would not be considered to provide public benefits in the same vein.

- 9.9. The site is located within the demise of the Sea Lanes development, and it is noted that the Site A structures to the north (which currently have the benefit of helping to screen the storage lockers in views from the north) are temporary features as per planning permission BH2020/01018. The removal of the Site A structures on the expiry of their respective planning permission would further increase the visual impact of the storage lockers.
- 9.10. In view of the benefits and negative elements of the development as identified, it is therefore considered that an acceptable basis would be to allow for the storage structures to remain for a similar temporary timeframe to coincide with that of the Site A modular structures. If their provided storage capacity remains required at the expiration of this period, this can then potentially be incorporated within the future plans for the wider site.
- 9.11. The applicant has agreed to the above timeframe, and a condition is therefore recommended to require the storage lockers to be removed on a timeframe aligning with the Sea Lanes Site A modular buildings.

Design, Appearance and Heritage:

- 9.12. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.13. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.14. The proposed lockers are very similar in appearance to those in situ to the west - single storey, finished in painted blockwork and with felt roofs and timber doors. The structures are painted white, however vibrant street art has been added to the northern elevations. The Heritage team originally raised concerns regarding the material, however, this was subsequently withdrawn as the visibility of the structures are impacted by the existing structures. Lockers 1,2 and 4 would have footprints of 28sqm, 31sqm and 46sqm. Locker 3 would be larger with a footprint of 90sqm.
- 9.15. This compares to the existing lockers to the west which have footprints of approximately 25sqm, 21sqm and 230sqm.
- 9.16. The lockers are sited in proximity to the Sea Lanes development and are perceived within this context. The structures to the south of the Volks Railway Line (Site B - including the swimming pool) benefit from permanent planning

permission. The modular structures to the north of the Volks Railway Line (Site A) benefit from a ten-year temporary planning permission expiring on 1st April 2032.

- 9.17. The lockers as-built, notwithstanding their single-storey scale and the existence of similar structures to the west, are visually prominent additions to the beach that are visible in wide ranging views. The number of structures proposed together with those pre-existing to the north and west, further contributes to a sense of clutter. The white colour of the blockwork contrasts strongly with the darker felt roof and does not blend in with the shingle beach. The addition of street art to the northern elevations, notwithstanding any merits of the art itself, contributes to this contrast and draws further visual attention towards the lockers.
- 9.18. It is therefore considered that the lockers do result in some harm to the visual amenity of the seafront, and the addition of the lockers as permanent features on the seafront would therefore be contrary to Policies DM26 and DM29 of the City Plan Part Two.
- 9.19. As set out above, a temporary permission to align with the Sea Lanes Site A development is considered an appropriate balance and the Heritage consultee has confirmed agreement to this.

Impact on Amenity:

- 9.20. 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.
- 9.21. No significant impact upon amenity is anticipated. The structures are single storey in scale and are for use as storage facilities. There are no sensitive uses nearby that would be unduly affected.

10. EQUALITIES
None identified

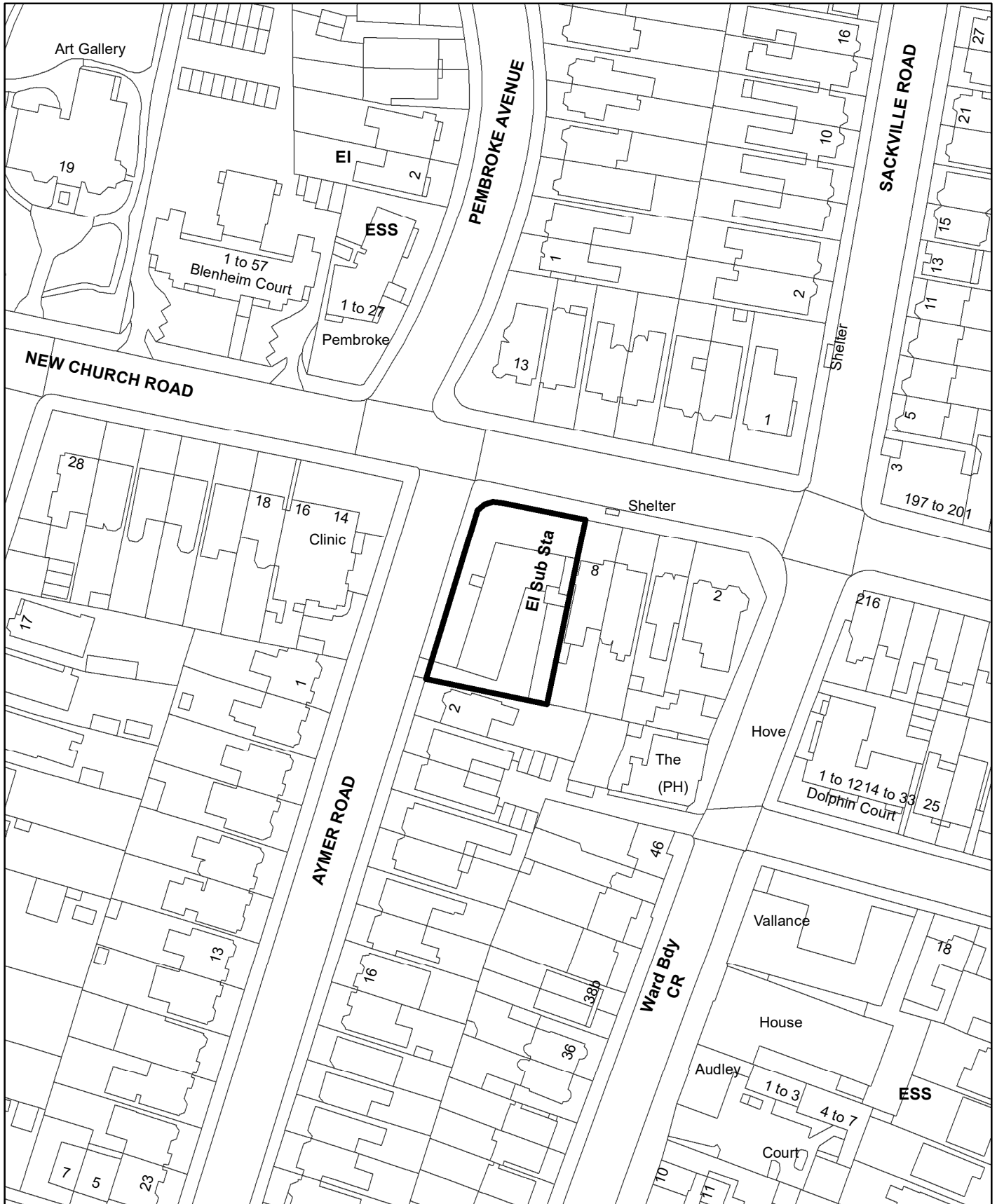
11. CLIMATE CHANGE/BIODIVERSITY
None identified.

ITEM H

**Aymer House, 10-12 New Church Road
BH2023/01305
Full Planning**

DATE OF COMMITTEE: 4th October 2023

BH2023 01305 - Aymer House, 10-12 New Church Road



N



Scale: 1:1,250

<u>No:</u>	BH2023/01305	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Aymer House 10-12 New Church Road Hove BN3 4FH		
<u>Proposal:</u>	Demolition of car port and erection of garage block.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	24.05.2023
<u>Con Area:</u>	Pembroke & Princes	<u>Expiry Date:</u>	19.07.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	06.10.2023
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Aymer House Freehold Ltd C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	TA1478/01	E	9 August 2023
Proposed Drawing	TA1478/10	C	9 August 2023
Proposed Drawing	TA1478/11	E	9 August 2023
Proposed Drawing	TA1478/14	E	9 August 2023
Proposed Drawing	TA1478/15	C	9 August 2023
Proposed Drawing	TA1478/16	C	9 August 2023
Proposed Drawing	TA1478/17	C	9 August 2023
Proposed Drawing	TA1478/18	A	9 August 2023
Proposed Drawing	TA1478/19	A	9 August 2023
Proposed Drawing	TA1478/20	A	9 August 2023
Proposed Drawing	TA1478/21	A	9 August 2023

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until 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.

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 and DM21 of the Brighton & Hove City Plan Part Two.

4. Access to the flat roof over the garage block hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
5. A condition requiring tree protection measures will be added to the Additional Representations List.
6. One or more bee bricks shall be incorporated within the east or south-facing external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.
7. Notwithstanding the proposal hereby permitted, prior to the first use of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority.
The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of the Brighton & Hove City Plan Part Two and SPD14.
8. Notwithstanding the proposal hereby permitted, prior to the first use of the development hereby permitted, electric vehicle charging points 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 charging of electric vehicles are delivered, to encourage travel by sustainable means and to comply with policy DM36 of the Brighton & Hove City Plan Part Two.
9. The development hereby approved shall not be used until the refuse and recycling storage facilities shown on the approved drawings have been installed made available for use.
The approved facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies CP8 of the Brighton & Hove City Plan Part One, DM20 of the Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: www.hse.gov.uk/asbestos
4. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.

2. SITE LOCATION

- 2.1. The application site is Aymer House, a part four, part five-storey block of residential flats on a corner plot, on the south side of New Church Road, and east side of Aymer Road, within the Pembroke and Princes Conservation Area (PPCA). There is a car port in the southeast corner of the site, accessible from Aymer Road.

3. STATEMENT OF SIGNIFICANCE

- 3.1. Built between 1895 and 1900, the Pembroke Crescent/Avenue area represents the only large group of Victorian and Edwardian red brick developments in Hove. The area south of New Church Road followed the development of the northern half of the area, much being built in the interwar years, however pre-1910

development in Aymer Road and the red brick properties in New Church Road exhibit similar characteristics to those in Pembroke Crescent/Avenue.

- 3.2. The charm of the area lies in the contrast of hard red brick and extensive use of white painted exterior timber and the overwhelming predominance of the plain red tile.
- 3.3. The subject site is a mid-20th century purpose-built 4-5 storey block of flats, occupying a prominent site on the corner of New Church Road and Aymer Road. It has a strong cuboid shape with unrelieved flat roofs, built of brown/buff brick with full-height shallow bays featuring pale blue panelling. As such its height, form, massing, and materials strongly contrast with its neighbours and the area generally.

4. RELEVANT HISTORY

- 4.1. **BH2022/01701** Application to vary condition 1 of planning permission BH2021/02028 to allow amendments to approved drawings to include internal layout alterations, extension to lift shaft, revised fenestration, and installation of painted render instead of metal cladding to new external walls. Approved
- 4.2. **BH2021/02028** Erection of additional storey to North and South wings of building to create 3no self-contained flats (C3). Approved

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought to demolish the existing car port and erect a garage block in its place, featuring six vehicle parking spaces, a bicycle storage area and a recycling area.
- 5.2. The structure would have a flat roof and would be larger than the existing car port, coming forward approximately 2.3m and increasing in height by approximately 0.4m. There would be a net increase of two vehicle parking spaces. Each space would be approximately 5.5m deep and 2.6m wide; the footprint area of the garage block would be approximately 135.25m² and it would have a maximum height of approximately 2.8m.
- 5.3. The proposed development initially included two additional storeys to the block of flats itself, but following concerns raised by the Local Planning Authority this aspect of the scheme has now been omitted.

6. REPRESENTATIONS

- 6.1. Thirteen (13) representations have been received between 4th and 15th June, objecting to the initial proposal on the following grounds:
 - Loss of sunlight, privacy, and views due additional storeys

- Additional storeys will cause visual harm to the significance of the conservation area.
 - Additional residential units will cause additional parking stress and noise.
- 6.2. It should be noted that none of the objections received specify the garage block as a concern.
- 6.3. Following the amendment to the application, reducing the schedule of works down to include only the erection of the garage block and a further consultation period, no further representations have been received.

7. CONSULTATIONS

External

- 7.1. **Brighton and Hove Archaeological Society**
No Objection. The proposed development lies in an area where finds from the Palaeolithic and Neolithic periods have been found in the past.
- 7.2. **Conservation Advisory Group**
Comments regarding initial submission
Objection. The Group supports the comprehensive assessment submitted by the Heritage Officer.
- 7.3. **County Archaeology**
No Objection
- 7.4. **Southern Water**
Comments regarding initial submission
No Objection subject to condition. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 7.5. It is requested that should this planning application receive planning approval, the following condition is attached to the consent: *Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.*

Internal

- 7.6. **Heritage**
Comments regarding initial submission
Objection. The Heritage Officer objected to the development insofar as it related to the additional storeys to the block of flats but confirmed that there was no objection to the proposed garage block.
- 7.7. **Private Sector Housing**
No Comment
- 7.8. **Transport**
Comments regarding initial submission

No Objection subject to the inclusion of a condition requiring further details of cycle parking.

8. MATERIAL CONSIDERATIONS

- 8.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 8.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

9. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development
CP8 Sustainable Buildings
CP10 Biodiversity
CP12 Urban Design
CP15 Heritage

Brighton & Hove City Plan Part Two (CPP2)

DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM22 Landscape Design and Trees
DM26 Conservation Areas
DM31 Archaeological Interest
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development; and the potential impacts

on the amenities of local residents; on highway safety; and on the significance of heritage assets in the vicinity.

Design and Appearance

- 10.2. The existing car port is not a well-designed structure in terms of appearance and its replacement with a garage block is considered to be acceptable in principle.
- 10.3. The proposed garage block is considered to be acceptable in terms of form and scale and replicates a similar scale and form to the existing structure. The brickwork finish is considered to be acceptable in this back-of-site location. The roof material is not specified within the application form, but a green roof is stated to be an option the applicant would be willing to consider. The Local Planning Authority would prefer a biodiverse roof as this would be more attractive than a standard flat roof and would provide biodiversity benefits. The proposed external materials for the development are recommended to be secured by condition in the interest of clarification and maintaining the visual amenities of the area.

Impact on Heritage Assets

- 10.4. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.5. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 10.6. The existing car port makes no positive contribution to the significance of the Pembroke and Princes Conservation Area and there is no objection to its demolition. The proposed garage block is slightly larger in scale but would have a similar relationship with the conservation area, which is largely obscured from the public street by the main building. The structure would appear as a low profile ancillary building set back from the public highway. It is considered that the development would have a neutral impact on the significance of the conservation area.

Impact on Amenities

- 10.7. The increased height of the garage block is likely to have some impact on the amenities of occupants of both adjoining properties, no.5 New Church Road and no.2 Aymer Road.
- 10.8. The impact on occupants of no.8 New Church would result from the increased height (from 2.4m to 2.8m) along the full length of the west side of their garden. It is considered though that the impact from the proposed structure would not be significantly greater than existing and would be successfully mitigated by the preservation of the trees along the site boundary (which can conceal parts of the garage). It is not considered that the additional visual impact would be significant enough to warrant refusal in this instance.
- 10.9. The impact on the occupants of no.2 Aymer Road is considered to be acceptable; though the proposed development would be more slightly larger

than the existing car port, it would still occupy less than half of the northern boundary of the garden and should create no loss of light/overshadowing. It is not considered that the additional visual impact would be significant enough to warrant refusal in this instance.

- 10.10. A condition is recommended restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in adjacent properties.
- 10.11. It is not considered that the increase in vehicle parking spaces is likely to generate significant additional activity that might lead to a noise nuisance; the site is already used as a car park and the more solid garage structure may contain more noise than the existing car port.

Impact on the Public Highway

- 10.12. The proposed garage block would provide six vehicle parking spaces (a net gain of two) as well as a cycle store; this is welcomed in principle and should reduce pressure on street parking.
- 10.13. Further details of the cycle parking are required in order to ensure that the new facilities are equally accessible and fit for purpose; this shall be secured by condition.
- 10.14. Policy DM36 of the CPP2 states: New developments should include infrastructure to support the use of low emission vehicles, including electric vehicle charging points. This is recommended to be secured by condition.

Biodiversity

- 10.15. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A suitably worded condition will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.
- 10.16. The application form also states that the applicant would be open to the inclusion of a green roof within the design; the Council would support this as it would be more attractive and offer improved biodiversity.
- 10.17. Satellite images show trees within the rear gardens of no.8 New Church Road and no.2 Aymer Road in close proximity with the shared boundary; it is considered that the foundations of the garage block could be designed in a manner that would maintain the root system of these trees. Permission should be granted only subject to a condition requiring the submission and approval of an Arboricultural Method Statement that would detail how the development would be carried out whilst protecting the health of these trees.

Other Considerations

- 10.18. The site lies within an archaeological notification area; the County Archaeologist has confirmed that they have no concerns with the proposed development.
- 10.19. The proposed development would maintain refuse and recycling bins on the site; this is welcomed. It is considered necessary for these facilities to be made available for use prior to first use of the development given that the development includes the removal of the existing refuse and recycling storage area.

Conclusion

- 10.20. The proposed development is considered to be acceptable in terms of appearance and the impact it is anticipated to have on the significance of the Pembroke and Princes Conservation Area; there are no concerns in this regard. It would improve the accommodation offer for occupants of Aymer House by improving parking facilities. Planning conditions are recommended to secure external materials (which may include a green roof), to limit access to the flat roof for amenity purposes, to safeguard the health of adjacent trees, to secure at least one bee brick within the development, and to secure cycle parking details, EV charging points, and the availability of the refuse and recycling storage area.
- 10.21. The garage would be slightly larger in scale than the existing car port and is anticipated to have an increased visual impact on the amenities of occupants of both adjacent residential properties. It is considered that this harm is not significant and would not outweigh the benefits of the development in this instance.
- 10.22. For the foregoing reasons the proposal is considered to be in accordance with policies CP8, CP10, CP12 and CP15 of the Brighton and Hove City Plan Part One, and DM18, DM20, DM21, DM22, DM26, DM31, DM33, DM36 and DM37 of the City Plan Part Two.

11. EQUALITIES
None identified

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 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £20,088.32. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.

13. CLIMATE CHANGE/BIODIVERSITY

- 13.1. Biodiversity improvements including bee bricks shall be secured by condition within the approved development. Tree protection measures will also be secured

by condition in order to safeguard the trees in adjacent sites. Electric Vehicle charging points and suitable cycle parking facilities will also be secured by condition to encourage trips to and from the site by more sustainable means.

NEW APPEALS RECEIVED 03/08/2023 - 06/09/2023

WARD

HANOVER AND ELM GROVE

APPEALAPPNUMBER

BH2022/01490

ADDRESS

Enterprise Point And 16-18 Melbourne Street
Brighton BN2 3LH

DEVELOPMENT DESCRIPTION

Demolition of the existing buildings and erection of a new development of 6 and 8 storeys, comprising co-working business floor space (use class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens, living rooms and gym and external landscaped amenity courtyard, gardens, roof terrace, access, cycle and car parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street. (For information: proposal is for 269 co-living studio flats and 941 sqm co-working business floor space).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

25/08/2023

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

ROTTINGDEAN & WEST SALTDEAN

APPEALAPPNUMBER

BH2022/03735

ADDRESS

22 Tumulus Road Saltdean Brighton BN2 8FS

DEVELOPMENT DESCRIPTION

Remodelling of existing detached dwelling including the erection of an additional two storeys (amended plans).

APPEAL STATUS

APPEAL DISMISSED

APPEAL RECEIVED DATE

03/08/2023

APPLICATION DECISION LEVEL

Delegated

WARD

WESTBOURNE & POETS' CORNER

APPEALAPPNUMBER

BH2023/00058

ADDRESS

78 Cowper Street Hove BN3 5BN

DEVELOPMENT DESCRIPTION

Certificate of lawfulness for proposed erection of dormer above existing rear outrigger.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

11/08/2023

APPLICATION DECISION LEVEL

Delegated



INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

Planning Application No	<i>ENF2022/00193</i>
Site Address	<i>14 Montpelier Crescent Brighton BN1 3JF</i>
Description	<i>Appeal against</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Public Inquiry</i>
Date Appeal To Be Held:	<i>N/A</i>
Venue of Appeal	<i>N/A</i>
Planning Officer	<i>Raphael Pinheiro</i>

Planning Application No	<i>BH2022/01490</i>
Site Address	<i>Enterprise Point And 16-18 Melbourne Street Brighton BN2 3LH</i>
Description	<i>Demolition of the existing buildings and erection of a new development of 6 and 8 storeys, comprising co-working business floor space (use class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens, living rooms and gym and external landscaped amenity courtyard, gardens, roof terrace, access, cycle and car parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street. (For information: proposal is for 269 co-living studio flats and 941 sqm co-working business floor space).</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Hearing</i>
Date Appeal To Be Held:	<i>14/11/2023</i>
Venue of Appeal	<i>N/A</i>
Planning Officer	<i>Wayne Nee</i>

APPEAL DECISIONS FOR THE PERIOD BETWEEN 23/08/2023 AND 19/09/2023

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00026
<u>ADDRESS</u>	4 And 6 Eaton Grove Hove BN3 3PH
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of 2no. two-storey mews properties from offices and workshop (E) on the ground floors and residential on the first floors (C3) to form 1no. three-bedroom dwelling and 1no. four-bedroom dwelling (C3) including accommodation in the roof space, erection of front & rear dormers and addition of front & rear rooflights.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/03300
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00051
<u>ADDRESS</u>	Garages Adjacent Wick Hall Furze Hill Hove
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of garages to create 4no self-contained flats (C3) with alterations to fenestration.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/03429
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00052
<u>ADDRESS</u>	Wick Hall Furze Hill Hove BN3 1NF
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of meter and storeroom into 1no self-contained flat (C3) with associated alterations to fenestration and cycle parking.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/02736
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEAL APPLICATION NUMBER APL2023/00027
ADDRESS Grass Verge Adjoining 143 Staplefield Drive
DEVELOPMENT DESCRIPTION Moulsecomb Brighton BN2 4RZ
Installation of 15m high telecommunications monopole supporting 6no antennas, with 1no wrap-around equipment cabinet, 2no equipment cabinets, 1no electric meter cabinet and ancillary development thereto including 1no GPS module.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2022/03527
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEAL APPLICATION NUMBER APL2023/00044
ADDRESS 28 Hythe Road Brighton BN1 6JS
DEVELOPMENT DESCRIPTION Erection of front and rear dormer window extensions.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2023/00658
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEAL APPLICATION NUMBER APL2023/00023
ADDRESS 118A St James's Street Brighton BN2 1TH
DEVELOPMENT DESCRIPTION Change of use from residential dwelling (C3) to a 3no bedroom house of multiple occupation (C4) incorporating replacement of glazed roof to conservatory with timber roof and clay interlocking tiles, installation of metal railings to first floor roof terrace with revised fenestration and associated works. (Part retrospective).
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2022/01324
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **REGENCY**
APPEAL APPLICATION NUMBER APL2023/00048
ADDRESS 159 - 162 Kings Road Arches Brighton BN1 1NB
DEVELOPMENT DESCRIPTION Replacement of existing timber windows with timber bi-fold doors at first floor.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2022/03285
APPLICATION DECISION LEVEL Delegated

WARD **REGENCY**
APPEAL APPLICATION NUMBER APL2023/00058
ADDRESS 14 Montpelier Crescent Brighton BN1
3JF
DEVELOPMENT DESCRIPTION Appeal against
APPEAL TYPE Against Enforcement Notice
APPEAL DECISION WITHDRAWN APPEAL
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL Not Assigned

WARD **ROTTINGDEAN COASTAL**
APPEAL APPLICATION NUMBER APL2023/00065
ADDRESS 49 Falmer Road Rottingdean Brighton BN2 7DA
DEVELOPMENT DESCRIPTION Erection of single storey garage and carport to
front and the erection of fencing above existing
brick wall to front elevation.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2023/00874
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN & WEST SALTDEAN**
APPEAL APPLICATION NUMBER APL2023/00067
ADDRESS 22 Tumulus Road Saltdean Brighton BN2 8FS
DEVELOPMENT DESCRIPTION Remodelling of existing detached dwelling
including the erection of an additional two
storeys (amended plans).
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2022/03735
APPLICATION DECISION LEVEL Delegated

WARD **WESTDENE & HOVE PARK**
APPEAL APPLICATION NUMBER APL2023/00066
ADDRESS 7 Meadow Close Hove BN3 6QQ
DEVELOPMENT DESCRIPTION Formation of front and side boundary walls.
(Part-retrospective)
APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2022/02886
APPLICATION DECISION LEVEL Delegated

WARD **WEST HILL & NORTH LAINE**
APPEAL APPLICATION NUMBER APL2023/00022
ADDRESS 47 Church Street Brighton BN1 3LJ

DEVELOPMENT DESCRIPTION Replacement of single glazed wooden sash windows with double glazed uPVC windows for lower maisonette and replacement of single glazed metal windows and timber window with double glazed uPVC windows for upper maisonette.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2022/02645
APPLICATION DECISION LEVEL Delegated

WARD **WOODINGDEAN**
APPEAL APPLICATION NUMBER APL2022/00086
ADDRESS 566 Falmer Road Brighton BN2 6NA
DEVELOPMENT DESCRIPTION Erection of double garage to the front of property (part retrospective).

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2022/01363
APPLICATION DECISION LEVEL Delegated

WARD **WOODINGDEAN**
APPEAL APPLICATION NUMBER APL2022/00090
ADDRESS 566 Falmer Road Brighton BN2 6NA
DEVELOPMENT DESCRIPTION Appeal against
APPEAL TYPE Against Enforcement Notice
APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL Not Assigned

WARD **WOODINGDEAN**
APPEAL APPLICATION NUMBER APL2023/00043

<u>ADDRESS</u>	Land to the Rear and Side Of 48 Lockwood Crescent Brighton BN2 6UG
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey two-bedroom dwelling (C3) adjoining existing house, with associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/02956
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
