

Planning Committee

Date: **1 November 2023**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

50 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.

51 MINUTES OF THE PREVIOUS MEETING

1 - 14

Minutes of the meeting held on 4 October 2023.

52 CHAIR'S COMMUNICATIONS

53 PUBLIC QUESTIONS

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

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

55 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 | BH2022/02492 - 47 Trafalgar Street, Brighton - Full Planning | 15 - 46 |
| B | BH2023/00830 - Ovingdean Hall, English Language School, Greenways, Brighton - Full Planning | 47 - 82 |

MINOR APPLICATIONS

- | | | |
|---|--|------------------|
| C | BH2023/01186 - 58-60 Beaconsfield Road, Brighton - Full Planning | 83 - 100 |
| D | BH2023/01799 - Garages to the Rear of 10 Bavant Road, Brighton - Full Planning | 101 - 120 |
| E | BH2023/02163 - Shermond House, 58 - 59 Boundary Road, Hove - Full Planning | 121 - 142 |
| F | BH2023/00839 - 9 The Ridgway, Brighton - Full Planning | 143 - 164 |
| G | BH2023/02174 - 18 Rosebery Avenue, Brighton - Full Planning | 165 - 176 |
| H | BH2023/01573 - 44 The Cliff, Brighton - Full Planning | 177 - 188 |
| I | BH2023/02170 - 25 Freehold Terrace, Brighton - Full Planning | 189 - 206 |

INFORMATION ITEMS

56 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **207 - 208**

(Copy attached).

57	INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES	209 - 210
	(Copy attached).	
58	APPEAL DECISIONS	211 - 214
	(Copy attached).	

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

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

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Shaun Hughes (email: shaun.hughes@brighton-hove.gov.uk) or email: democratic.services@brighton-hove.gov.uk

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Date of Publication - Tuesday, 24 October 2023

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 4 OCTOBER 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Cattell, Hamilton, Nann, Pickett (Substitute), Robinson, C Theobald and Winder (Substitute).

Co-opted Members: Jim Gowans and Roger Amerena (Conservation Action Group)

Officers in attendance: Nicola Hurley (Planning Manager), Alison Gatherer (Lawyer), Mathew Gest (Planning Team Leader), Emily Stanbridge (Senior Planning Officer), Jack Summers (Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

41 PROCEDURAL BUSINESS

a) Declarations of substitutes

41.1 Councillor Pickett substituted for Councillor Shanks. Councillor Winder substituted for Councillor Pumm.

b) Declarations of interests

41.2 Councillor Cattell declared they had worked with the applicant for BH2022/00456: Former Dairy, 35-39 The Droveaway, Hove several years ago. The councillor remained of an open mind on the application.

c) Exclusion of the press and public

41.3 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.

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

d) Use of mobile phones and tablets

41.5 The Chair requested Members did not use their mobile phones during the meeting, and if necessary, inform the chair if they needed to make or take a call, and where

Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

42 MINUTES OF THE PREVIOUS MEETING

42.1 **RESOLVED:** That minutes of the meeting held on 6 September 2023 were agreed.

43 CHAIR'S COMMUNICATIONS

43.1 The Chair addressed the committee and thanked Liz Hobden (Head of Planning) as follows: Liz has decided to move on to pastures new after providing sterling services to the Council's planning team since 1995.

Liz joined Brighton Borough Council in 1995. She has seen through significant change at the Council including the transition of the Council to Brighton & Hove City Council when she then became a Manager of an Area Development Control team. In 2001 she became Planning Policy Team Manager.

In 2017 she was appointed Chief Planning Officer. This was at a time when there was a lot of change required to the way in which planning departments work combined with significant changes to policy frameworks.

In this leadership role Liz immeasurably improved the efficiency and delivery of the planning service thus ensuring that 90% of all major and minor applications are determined within the Government's recommended timeframe. As quality improved so have appeal numbers fallen significantly. The number of enforcement cases requiring intervention has also fallen due to a the more proactive change in their management.

With the help of the new City Plan the average number of new homes being permitted since 2017 has increased with a step change. This is a significant achievement which we wish to continue going forward. In these roles she has sought to ensure that the Council successfully works with residents, developers and a range of stakeholders.

Liz is very hard working, and she leaves on a high note with an accomplished record of achievement. One of those latest achievements has been responsibility for the training and education of Cllrs to the newly formed Planning Committee under this Labour Council. As Chair of Planning Committee, I can confirm that her dedication and level of commitment on a range of complex technical and managerial issues has benefited from her full attention. She must get the accolade for being one of the most long standing and dedicated officers not just in the planning department but also in the Council.

Thanks, were also received from Councillors Cattell and Theobald.

44 PUBLIC QUESTIONS

44.1 There were none.

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

45.1 Councillor Theobald moved that a site visit be made to 48 St Aubyns, Hove. This was seconded by Councillor Pickett. The committee voted by 2 to 7 against a site visit.

46 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

46.1 All the agenda items were called for discussion by the Committee.

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

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

Speakers

2. Ward Councillor Bagaen addressed the committee and stated that registered providers not taking up the housing was an issue. The requirement for affordable housing was known when the application was agreed. It should be considered that only exceptional circumstances would a commuted sum be acceptable instead of the affordable housing, this is not the case here. Hove Park ward needs affordable housing and if a commuted sum is accepted it will go into a pot and not be used in the ward. The committee were requested to refuse the application.
3. Sirius Taghan was not available to address the committee on behalf of the applicant.

Answers to Committee Member Questions

4. Councillor Nann was informed by the Head of Strategy & Supply that the council had considered taking on the affordable housing units, and it was noted that the council do take on S106 agreement acquisitions and each case is subject to financial viability study, with technical and management considerations. The site had been previously reviewed in 2021 and found to not support a purchase for low rent levels for affordable housing. The move to a commuted sum is considered a practical option and supports the wider housing supply programme within the council.
5. Councillor Robinson was informed by the Head of Strategy & Supply that good progress was being made regarding the annual housing targets in the city and the Buy-Back scheme has been very successful. The detailed figures would be provided to the councillor after the meeting as they were not available to the officer during the meeting.
6. Councillor Theobald was informed by the Head of Strategy & Supply that the lowest number of units a registered provider would be prepared to accept varied. Some would take small numbers; however, each decision was independently made. Discussions are held between the council and the registered providers quarterly and are ongoing.
7. The Planning Manager noted that the funding mechanism had changed a few years ago and it was more difficult for registered providers to access funding for smaller sites.
8. Councillor Cattell was informed by the Head of Strategy & Supply that the commuted sum would help secure up to 10 new dwellings. It was also noted that the council are exploring expanding the list of registered providers.
9. Councillor Nann was informed by the Head of Strategy & Supply that there was a spread of affordable housing across the city with some concentrations in certain areas and there was a need to increase supply in all areas. The case officer informed the councillor that if the application was refused by the committee, the council would need to

demonstrate that the applicant was not able to viably achieve the affordable housing, however the applicant has done this. The commuted sum is the practical way forward.

10. Councillor Robinson was informed by the Head of Strategy & Supply that the commuted sum would amount to 30% of the purchase price for 10 units, not 100%. The case officer informed the councillor that the viability assessment of the original scheme was accepted and 16% was accepted. The sum of £780,300 was equal to the properties that would have been built at the site.
11. Councillor Pickett was informed by the case officer that the city was split into three zones regarding pricing and the application lay in zone two, where the commuted sum was deemed acceptable.
12. Councillor Allen was informed by the Planning Manager that policy stated that commuted sums were acceptable in exceptional circumstances and as no registered providers had taken up the units the commuted sum were therefore acceptable.
13. Councillor Nann was informed by the Head of Strategy & Supply that the location can have a bearing on the cost of affordable housing, however, units can be brought across the city.
14. Councillor Loughran was informed by the Head of Strategy & Supply that the valuation policy was applied equally across all three zones of the city. The Planning Manager advised that three units were acceptable in the original scheme and the contribution was the only matter to look at as the principal was agreed.

Debate

15. Councillor Cattell considered that the situation would not change if the committee agreed to grant permission. The background explanations given by the officers was very helpful and the commuted sum was good. The councillor noted that there were less affordable homes as a result of fewer larger housing schemes across the city. The councillor considered and refusal would be difficult to defend at appeal and supported the application.
16. Councillor Theobald considered the lack of affordable housing a long-term problem along with the number of larger schemes coming forward. The councillor did not consider the commuted sums to be the same as actual affordable housing.
17. Councillor Robinson considered the developer should go away and try again to get registered providers to take the units. The councillor was minded to refuse the application.
18. Councillor Nann was concerned that there were areas without affordable housing.
19. Councillor Hamilton considered the situation had been going on for years and noted that properties in Hove Park were averaging at £1.2m for a family home. The councillor did not consider the contribution to be large enough, however, the guidance had been followed. The councillor supported the application.
20. Councillor Allen considered the application to be within policy and therefore supported the application.

21. Councillor Loughran was informed by the Head of Strategy & Supply that the valuation did not support the council buying the properties. The council would only manage the units if the council bought them.

22. The Planning Manager noted that the committee did not have the authority to create policies for other committees regarding the spending of the commuted sum across the whole city.

Vote

23. A vote was taken, and by 8 to 1 the committee agreed to grant permission.

24. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report 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.

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

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

Answers to Committee Member Questions

2. Councillor Theobald was informed by the case officer that there were no trees on the site, however there were two significant trees in the far southwest corner close to the site boundary that required protection during building works by condition. There was no parking at the site, however, two existing spaces would be accessible. When the case officer visited the site there were no cars parked and they were informed that the garages were for storage and vintage cars.

3. Councillor Pickett was informed by the case officer that the trees would have investigation holes dug to define the tree roots and then protection measures would be defined. If it was not possible to protect the trees, then the applicant would need to make an application to vary or remove the condition. The councillor was informed that the development adhered to national space standards.

4. Councillor Robinson was informed by the case officer that the Heritage team had no objections to the proposals having looked at the main impact on the road to the rear of the site, which is screened by trees. The councillor considered the conservation areas guidance was not met by the development.

5. Councillor Nann was informed by the case officer that the development was considered more attractive than the existing garages and concrete parking area in consideration of the conservation area. The application is considered acceptable.

6. The Planning Manager noted that in July 2023 the Heritage team had confirmed they now had no objections following earlier concerns.

7. Councillor Loughran was informed by the case officer that the Heritage team had no objections. It was noted that the land to the rear of 47 was not amenity space as this

was occupied by hardstanding and garages. The Planning Manager confirmed there was no loss of amenity space. The case officer confirmed under policy DM1(F) there was no loss of amenity space and that policy DM2 was not relevant. The councillor was informed that the urban design team had made no comments.

8. Councillor Cattell was informed by the case officer that the density of the scheme was considered acceptable.

Debate

9. Councillor Robinson expressed concerns that no residents wished to speak on the application.
10. Councillor Theobald expressed concerns regarding the conservation area and the limited space for the hotel and lack of parking spaces. The councillor considered one dwelling would be better than two smaller dwellings.
11. Councillor Pickett considered two dwellings too much for the site and one would be better.
12. Councillor Nann considered the development was better than the existing garages, but not good for the conservation area.
13. Councillor Allen considered another location would be better for the development than this site in a conservation area.
14. Councillor Loughran considered the design quality was not the same as the surrounding area and the development was visible from other roads. The councillor considered the proposed cumulative flat roofscape to be harmful and would disrupt the rhythm of the townscape. The councillor did not support the application.

Vote

15. A vote was taken, and by 1 to 8 the committee voted against the officer recommendation.
16. Councillor Robinson proposed a refusal as the development was considered harmful to the conservation area, with the views from Vallance Road causing harm and the design is not in keeping with the conservation area. Councillor Cattell seconded the motion to refuse.

Vote

17. A recorded vote was taken and councillors Allen, Cattell, Nann, Winder, Robinson, Pickett, Theobald and Loughran voted for the refusal. Councillor Hamilton voted against the refusal.
18. **RESOLVED:** The Planning Manager to agree the wording of the refusal with the proposer and seconder.

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

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

Answers to Committee Member Questions

2. Councillor Pickett was informed by the case officer that there was no policy against a Home of Multiple Occupancy (HMO) having a double bedroom with single beds. The councillor was informed that there were no other HMOs within 50m, the application was equivalent to 1.05% increase. The councillor was informed that the applicant had reduced the number of bedrooms to create the communal space. The Planning Manager stated the committee needed to determine the application before them.
3. Councillor Cattell was informed by the case officer that the application conformed to the national space standards.
4. Councillor Theobald was informed by the case officer the usual consultations had taken place via letters and on the council website. The Planning Manager confirmed that action could only be taken against the unauthorised use if the planning team were informed.
5. Councillor Robinson was informed by the case officer that the 11 persons in one HMO was not against policy. The national space standards had been met. It was noted that short holiday lets would require planning permission and enforcement action could be taken if the HMO was used as a holiday let. The Planning Manager stated that each AirBnB was looked at individually on a case-by-case basis to consider whether planning permission was required and would depend on a number of factors including frequency of use.
6. Councillor Nann was informed by the case officer that currently the ground floor was a separate flat and this would be converted to communal areas with the rest of the house turn over to 11 bedrooms and one study room on the top floor for the HMO and this required planning permission. Currently there are 14 bed spaces.
7. Councillor Loughran was informed by the case officer that the combined communal space of the ground floor and loft study room was equal to 40sqm, and it was acceptable to have the communal space across two separate floors.

Debate

8. Councillor Theobald considered the property could be a family home in this street of nice houses, where an HMO of 11 was out of character and too much. The councillor was against the application.
9. Councillor Cattell considered the HMO to be of a good size with good rooms and noted there was a housing crisis in the city. The property offered a safe secure space to share. The study room was a good idea. There was a need for low-cost accommodation. The councillor supported the application.

Vote

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

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

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

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

Answers to Committee Member Questions

2. Councillor Theobald was informed by the case officer that there were no other Houses of Multiple Occupancy in the road currently, however, it was noted that one other property was currently applying for planning permission.

Debate

3. Councillor Cattell considered that the property could be a 5-person family home, the property was generously laid out, and low-cost accommodation was much needed in this area close to the city centre. The councillor supported the application.
4. Councillor Robinson considered the property was good for young people but not for families in this location near the city centre. The layout was good.
5. Councillor Theobald considered the property was good for an HMO and the room sizes were good. The councillor supported the application.
6. Councillor Loughran considered the kitchen to be very small and not suitable for 5 persons.

Vote

7. A vote was taken, and by 6 to 2 the committee agreed to grant planning permission. (Councillor Allen had left the meeting and took no part in the discussions, vote or decision-making process).
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 BH2023/01522 - 45 George Street, Brighton - Full Planning

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

Speakers

2. Michael Landragin addressed the committee as a resident via a speech read out by the Democratic Services officer as follows: 1) The Noise Impact Assessment was arranged by the operators of the bar and that the assessment has been undertaken to support the retrospective Change of Use application. Having taken legal advice, I have strong concerns about the impartiality of the report, even though both Environmental Health and Planning have advised that they trust that it will have been impartial and professional. I feel that the contents and readings given within this Noise Impact report

should be viewed with caution. 2) The building (Albion Court) is in fact mostly residential, comprising 18 residential flats, occupied by a mix of owner occupiers and tenants, and that there are 3 residential floors above the commercial premises making the application. 3) Although it seems the operators of the bar have been more careful with music noise levels recently, and the Planning report says that the bar has made changes to reduce the noise impact to the building including the flat above, the concern is that this may not continue once/if the Change of Use is granted, unless there are clear conditions attached restricting the volume level of music played or restrictions to more reasonable social hours that music can be played in the bar. 4) In regard to the extended opening until 1am for special occasions, how will this be monitored by the Council? Please be aware that the Leases for the building state that music from whatever source between the hours of 11pm and 8am is not permitted.

3. Emmi Edwards addressed the committee as the one of the applicants and stated that the bar was a safe space for non-binary, trans and LGBTQIA+ members of the community that employed five members of staff and served non and low alcohol drinks. The bar had donated 50% of their Pride takings to charities. There was considered to be no noise outside the bar and no complaints had been received or calls for police attendance. They usually close around 10.30pm when the customers had left. It was noted that the noise assessment calculated a high of 26 decibels in the flat above the bar, which is below 30 decibels limit.

Answers to Committee Member Questions

4. Councillor Theobald was informed by the applicant that a low/non-alcohol bar does not require a licence, only alcohol levels above 0.5% require one. It was also noted that music volume levels have been changed by moving speakers away from the ceiling, closer to ground level, soft furnishings have now been introduced, both in line with Environmental Health guidelines.
5. Councillor Cattell was informed by the applicant that they had sought legal advice and were informed that planning permission was not required. It is now noted that a change of use from Sui Generis to another Sui Generis use requires planning permission.

Debate

6. Councillor Hamilton welcomed the application and noted the bar opened 5 days a week only and would close at 11pm. The councillor supported the application.
7. Councillor Cattell considered the bar to be a start of a revolution and considered the acoustic guidance had been followed and Environment Health had accepted the noise report. The councillor supported the application.
8. Councillor Allen stated they were encouraged as it was clear the applicant had been talking to neighbours and this bar would boost variety in Kemptown. The councillor supported the application.
9. Councillor Theobald considered the change to a non-alcohol bar a good thing and hoped it would not upset the neighbours.
10. Councillor Loughran noted there was a condition relating to noise. The councillor 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 **GRANT** planning permission subject to the Conditions and Informatives in the report.

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

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

Answers to Committee Member Questions

2. Councillor Nann was informed by the case officer that the owners of the property lived on site.
3. Councillor Loughran was informed by the case officer that the policy CP6 covers a wide range of accommodation. It was noted that there was no policy against holiday lets and the application was small scale accommodation for two persons only.
4. Councillor Cattell was informed that the property would be accessed via the garage access road.
5. Councillor Nann was informed that if the access road was private any covenants or restrictions would need to be resolved by the applicant.
6. Councillor Theobald noted the area was hilly and the dwelling house was higher than the application structure.

Debate

7. Councillor Theobald considered the access difficult, and any anti-social behaviour could go unchecked. Other properties could also convert garages. The councillor was against the application.

Vote

8. A vote was taken, and by 5 to 2, with 1 abstention, the committee agreed to grant planning permission. (Councillor Allen had left the meeting and took no part in the discussions, vote or decision-making process).
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

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

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

Speakers

2. Roy Pennington addressed the committee as a resident and stated that they had spoken to the applicant 3 weeks ago regarding the application and they said would do something about the pedestrian access across the road. The resident also stated that they had written to the Planning committee regarding access issues and requested a site visit. If the application was approved there would be a significant increase in people attending the site. The gate giving access to the site is not mentioned in the report and should be taken into account. The speaker requested that a condition be added to improve pedestrian access to the site, and they considered that rubber matting would improve the accessibility from the pedestrian gate to the vehicle gate.
3. David Samuel addressed the committee as an interested party and stated they represented the Life Saving Club with 256 members offering lifesaving training to adults and children at the site. All members are volunteers who attend events and schools. The club became homeless in 2021 and were looking for a new home. Sea Lanes agreed to take the club and offered the storage units for the club's use. It was not known that planning permission was required as the lockers were like-for-like the existing units.

Answers to Committee Member Questions

4. Councillor Theobald was informed by the case officer that the artwork on the north elevation of the lockers was to remain, and the Heritage team had not objected. The access referred to was not part of the planning application as it lay outside of the site. The permissions for the use of the land are temporary ending on 1 April 2032.
5. Councillor Robinson was informed that Planning permission and permission from the landowner were both required. The council are the landowner. It was noted that payments for the use of the land were not a material planning consideration. It was also noted that the regeneration of the listed Madeira Drive arches was ongoing, and it was not known if the development would impact on grant applications for funding the arches. There were no objections from the Heritage team.
6. Councillor Pickett was informed by the case officer that the lockers were on site before and had been removed in 2018, then replaced. It was noted that the Volks railway was outside the red line site boundary and did not form part of the application.
7. Councillor Hamilton was informed by the case officer that the extensions to the temporary permission could be submitted, however, if not then all structures needed to be removed at the end of the temporary period.
8. Councillor Nann was informed by the case officer that a plan to remove the structures was not required by the Planning team.
9. Councillor Loughran was informed by the case officer that 10 years temporary permission aligned with the temporary permissions already granted on the north side of the Volks railway. The Planning Manager noted that temporary permissions can vary in duration, and it was acceptable to have a temporary permission for 10 years. David Samuel confirmed that they would be the user and the club had previously been housed at Brighton Sailing Club for 15 years, and that Sea Lanes made the only offer of a new home. He also confirmed that the club was a lifesaving club who taught lifeguards and a third of council lifeguards were trained by the club, all of whom were volunteers.

Debate

10. Councillor Theobald considered the club to be useful and asked that the club maintain the structures and look at disabled access to the site. The councillor supported the application.
11. Councillor Cattell noted there were a number of structures along the sea front and these cannot be seen from the arches. The councillor considered the parking in the area would be more impactful. The lockers were considered to reflect the existing structures and were not offensive. It was noted that this is one of the only sea pools in the country. The councillor supported the application.
12. Councillor Allen considered the lockers would be good for leisure users and the artwork was good for keeping graffiti off. The councillor supported the application.
13. Councillor Robinson considered the use to be good, however, the lockers could be seen from the Madeira Drive terrace.
14. Councillor Loughran considered the lockers would have an impact on the grade II* listed assets and cause harm which is less than substantial. The councillor considered the 10-year temporary permission too long. The applicant had not supplied any material alternatives. The councillor did not support the application.
15. Councillor Nann considered the application to be reasonable, however, the 10-year temporary permission seemed too long.

Vote

16. A vote was taken, and by 5 to 4 the committee agreed to grant planning permission.
17. **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 BH2023/01305 - Aymer House, 10-12 New Church Road, Hove - Full Planning

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

Answers to Committee Member Questions

2. Councillor Cattell was informed that the application had been readvertised following the alterations agreed with the Planning officer.

Debate

3. Councillor Hamilton considered the application to be an improvement to the conservation area. The councillor supported the application.
4. Councillor Robinson supported the application.
5. Councillor Theobald supported the application.

Vote

- 6. A vote was taken, and the committee agreed unanimously to grant planning permission. (Councillor Allen had left the meeting and took no part in the discussions, vote or decision-making process).
- 7. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

47 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

48 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

49 APPEAL DECISIONS

- 49.1 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 6.04pm

Signed

Chair

Dated this

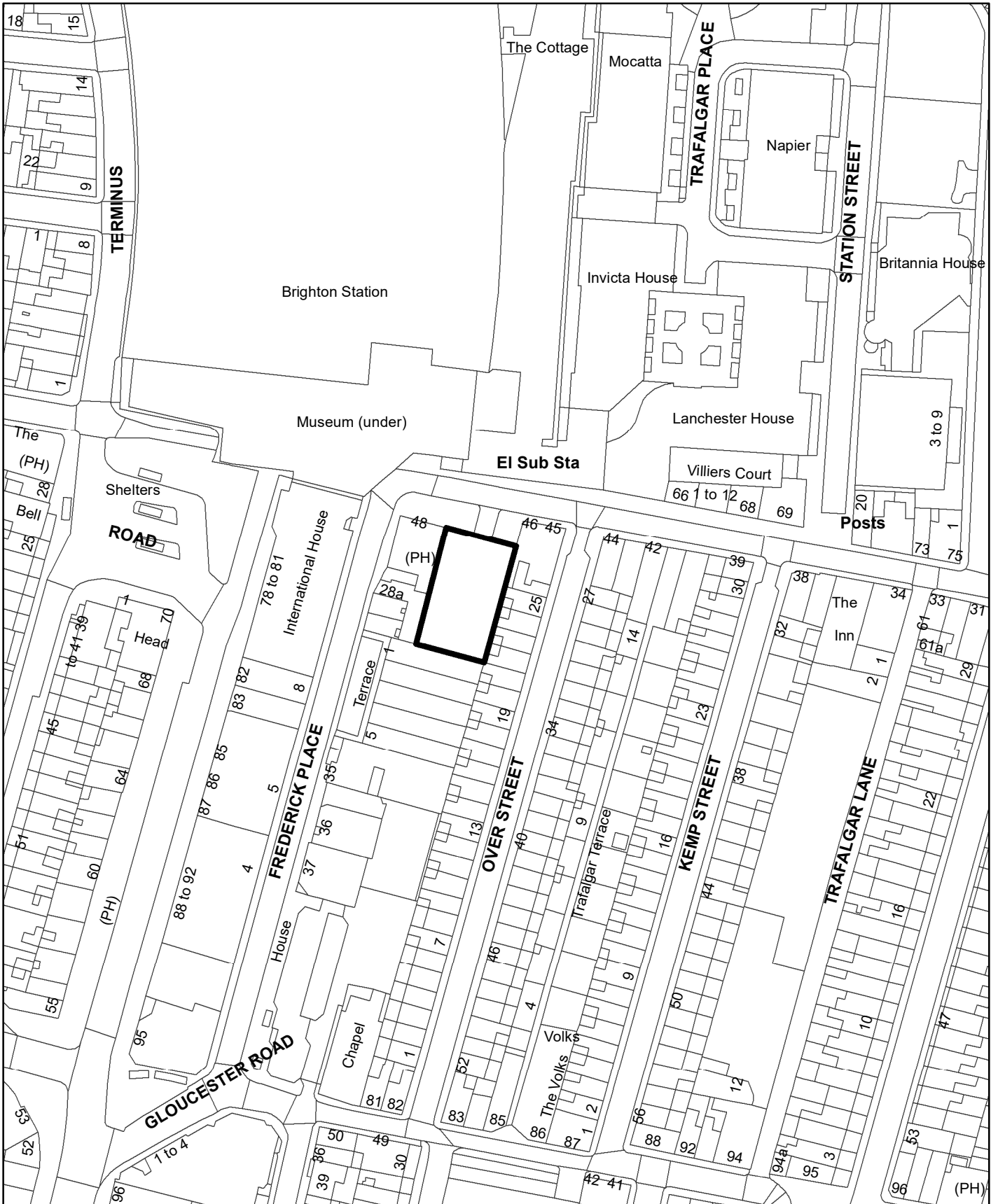
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ITEM A

**47 Trafalgar Street
BH2022/02492
Full Planning**

DATE OF COMMITTEE: 1st November 2023

BH2022 02492 - 47 Trafalgar Street



N



Scale: 1:1,250

<u>No:</u>	BH2022/02492	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	47 Trafalgar Street Brighton BN1 4ED		
<u>Proposal:</u>	Demolition of existing car rental premises and erection of a four storey building (plus basement) comprising solely commercial floorspace (Class E). (Amended description and plans - revised design and holiday lets removed from scheme).		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	23.08.2022
<u>Con Area:</u>	North Laine	<u>Expiry Date:</u>	22.11.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	28.04.2023
<u>Agent:</u>	Whaleback Planning & Design 91 Boundary Road Hove BN3 7GA		
<u>Applicant:</u>	Mrs Patricia Camping C/o Whaleback Planning & Design 91 Boundary Road Hove BN3 7GA		

1. RECOMMENDATION

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

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	TA1185/01	B	10 February 2023
Proposed Drawing	TA1185/11	D	10 February 2023
Proposed Drawing	TA1185/12	D	10 February 2023
Proposed Drawing	TA1185/13	D	10 February 2023
Proposed Drawing	TA1185/14	F	10 February 2023
Proposed Drawing	TA1185/15	D	25 July 2023
Proposed Drawing	TA1185/16	F	25 July 2023
Proposed Drawing	TA1185/17	E	25 July 2023
Proposed Drawing	TA1185/18	E	10 February 2023
Proposed Drawing	TA1185/19	E	10 February 2023
Proposed Drawing	TA1185/20	D	10 February 2023
Proposed Drawing	TA1185/10	E	10 February 2023
Proposed Drawing	TA1185/21	C	25 July 2023
Proposed Drawing	TA1185/22	B	10 February 2023
Proposed Drawing	TA1185/24		25 July 2023
Report/Statement	Noise Assessment	Acoustic South East	8 September 2023

Report/Statement	Surface Water Management Report	Flo Consulting Engineers	6 January 2023
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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 use of the premises hereby permitted shall be for purposes falling within Use Class E (Commercial, Business and Service) as defined in the Town and Country Planning (Use Classes) Order 1987 (or in any provision in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification). No change of use shall occur without express planning permission being obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and with regard to the 'agent of change' principle, and to comply with Policies DM18, DM20 and DM40 of Brighton & Hove City Plan Part 2 and SA2, CP2 and CP3 of Brighton & Hove City Plan Part One.

4. The use hereby permitted shall not be carried out except between the hours of 07:00 and 20:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. Access to the flat roofs (including the third-floor area annotated as 'terrace' and all 'green roof' areas) of the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs 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 Brighton & Hove City Plan Part 2.

7. The three easternmost first and second floor windows in the northern elevation facing Trafalgar Street of the development hereby permitted, shall be obscure glazed and non-opening, unless the parts of the windows which can be opened

are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

8. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build non-residential development.

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.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 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.

10. The development hereby approved shall not be occupied until the surface water drainage system has been implemented in accordance with the approved Surface Water Management Report by Flo Consulting Engineers received on 6th January 2023, and maintained thereafter in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

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

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

- 12.

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 industry best practice guidance such as BS 10175:2011+A2:2017 – Investigation of Potentially Contaminated Sites – Code of Practice and BS 5930 Code of Practice for Ground Investigations;

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+A2:2017;

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 suitable for use.

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

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

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

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

15. No development, including demolition and excavation, shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, to include biodiverse green roofs and the provision of 10 swift nesting cavities and 10 bee bricks, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

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

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.

16. No development hereby permitted shall take place until a BRE issued Pre-Construction Assessment, demonstrating that the development shall achieve a minimum BREEAM 'Excellent' rating in the appropriate scheme has been submitted to and approved in writing by the Local Planning Authority

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

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

- (i) The phases of the Proposed Demolition and Development including the forecasted completion date(s)
- (ii) A scheme of how the contractors will liaise with local residents and businesses to ensure that they 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 DEMP/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. 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

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

19. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details including 1:20 scale elevational drawings and sections of the front entrance area and shopfronts have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

21. No development above ground floor slab level of any part of the development hereby permitted shall take place until an Energy and Sustainability Statement, demonstrating how the development will meet planning policy for energy efficiency, carbon emissions, renewable energy, biodiversity, and other sustainability requirements, has been submitted to and approved in writing by the Local Planning Authority

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

22. Notwithstanding the layout shown on approved plans, prior to first occupation of the development hereby permitted, details of secure cycle parking and shower/changing 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 always retained for use.

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 and CP9 of the City Plan.

23. The development hereby permitted shall not be occupied until the redundant vehicle crossover which currently serves the existing driveway/ garage on Trafalgar Street has been converted back to a footway by raising the existing kerb and footway. The external finishes of the reinstated kerb and footway shall match in material, colour, style, bonding and texture the immediately adjacent existing kerb and footway, and retained as such thereafter.

Reason: In the interests of highway safety, and to ensure a satisfactory appearance to the development and to comply with policies DM26 and DM33 of Brighton & Hove City Plan Part 2, and CP9 and CP15 of the Brighton & Hove City Plan Part One.

24. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery to minimise the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

25. Notwithstanding the plans hereby approved, the development shall not be used/occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and

approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

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

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

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

27. Soundproofing of the party ceilings, floors and walls between the development hereby approved and the adjoining neighbouring properties including the Prince Albert Public House, and between the basement to third floors of the development, as recommended by the submitted noise report by Acoustic South East received on the 8th September 2023, shall be implemented prior to the first occupation of the development and shall thereafter be retained as such.

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

28. Prior to first use/ occupation of the proposed development, a further noise assessment and test shall be carried out in order to demonstrate the successful implementation of the requirements detailed in the submitted noise report, by Acoustic South East, received on the 8th September 2023, and the achievement of the day and night guideline values for external amenity spaces and non-domestic buildings contained within the World Health Organisation (WHO) (1999): Guidelines for Community Noise and in Table 6 of the BS8233:2014: Guidance on Sound Insulation and Noise Reduction for Buildings (BS 8233:2014).

The results shall be communicated in writing to the local planning authority. If the criteria in the BS8233: 2014 and WHO (1999) guidelines are not met, a further report shall be required to demonstrate what additional measures are needed and when these will be implemented. Another post completion noise assessment and test will then also be required in order to demonstrate compliance.

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

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 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: <https://www.hse.gov.uk/asbestos/>
3. 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>
4. 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
5. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
8. In order to be in line with Policy DM33 of the City Plan. Cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for Sheffield stands. Spaces suitable for Cargo bikes should also be included for mixed used sites. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
9. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.

2. SITE LOCATION

- 2.1. The application relates to an unlisted building, believed to date from the late 1930s / early 1940s, comprising a large, single storey industrial shed under a single-span pitched roof with a largely blank frontage to Trafalgar Street to the north. The building is bounded by Over Street to the east and Frederick Place to the west. The most recent use of the site was as a car rental business. The building is sited within the North Laine Conservation Area.
- 2.2. Adjoining the site to the immediate east is the grade II listed Prince Albert public house (c1845) in mid-Victorian classical style in stucco, set over three storeys with a roof hidden behind a tall parapet. To the north-west is the rear of the grade II* listed Brighton Station.
- 2.3. The North Laine area has a lively mix of land-uses which contribute greatly to the character of the area. Trafalgar Street is one of the primary east-west routes through the area that follow the original 'leakways' (access paths between arable fields) and is a main commercial street.
- 2.4. The sloping topography of Trafalgar Street downwards from west to east has resulted in a gentle stepping down of building heights as the street descends. The buildings along Trafalgar Street have a largely consistent height but a varied roofline (with chimney stacks, pots and party wall upstands adding to the street scene) which overall, contributes to the rich character of the North Laine.

3. RELEVANT HISTORY

- 3.1. **PRE2019/00100** Redevelopment of car rental unit (sui generis) for commercial-led mixed-use. Pre-application advice given.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the demolition of the existing car rental premises and the erection of a four-storey building (plus basement) comprising 1358sqm of commercial floorspace (Class E). It is indicated that the building could cater for a wide range of businesses such as cafés and retail units at street level up to established businesses requiring larger office units.
- 4.2. Amended plans have been received during the life of the application to include a revised design to reduce the impact on neighbouring properties, and to delete the originally proposed holiday lets from the scheme so that as noted above, it would be entirely commercial in use.

5. REPRESENTATIONS

- 5.1. **One thousand, two hundred and eighty two (1282)** letters have been received objecting to the proposed development. The main grounds for objection are as follows:

- 5.2. **Impact of introducing a sensitive use adjacent to Prince Albert Public House**
- Pub should be protected as important community asset, cultural venue and landmark
 - Risk of noise complaints from new residential units
 - Application does not fulfil duty of 'Agent of Change' of NPPF
 - Important venues have closed down from noise complaints
 - Soundproofing should be secured
 - Legal advice should be sought to protect pub against noise complaints
 - Impact on mental health from loss of music venue
- 5.3. **Design considerations and impact on Heritage Assets**
- Poor design which is out of character with streetscene
 - Adverse impact on heritage assets
 - Inappropriate height and disproportionate scale
 - Too close to boundaries
 - Terrace not in keeping with character of the area
 - Cluttered roofscape
 - Harm to pub external art works
 - Harm to the balance of uses in North Laine area
 - Result in more empty commercial space in the city
 - Accuracy of drawings
- 5.4. **Standard of accommodation**
- Holiday lets would be unviable due to the music venue
 - Sub-standard residential accommodation
 - Lack of outdoor amenity space
 - Poor natural light and outlook
 - Noise and disturbance to future residents
 - No provision for waste disposal
- 5.5. **Impact on Amenity**
- Overshadowing and loss of light
 - Overlooking and loss of privacy
 - Impact on outlook
 - Increased sense of enclosure
 - Visual intrusion/ overbearing
 - Noise and disturbance from holiday lets
 - Air pollution
 - Impact on local infrastructure.
- 5.6. **Other Issues**
- Identified housing need not addressed
 - Need for affordable housing
 - Loss of an existing industrial unit
 - No public benefit
 - Additional traffic
 - Insufficient parking and access

- Highway safety
 - Permitted Development rights could be utilised to convert the premises to residential use.
- 5.7. Objections relating to impact on views, developer profit, inconvenience from build, impact on property values and that the site is 'for sale' are noted, however are not material planning considerations.
- 5.8. **Four (4)** letters of representation has been received in support of the application for the following reasons:
- Good design
 - Good for local economy and businesses
- 5.9. **Seven (7)** letters of representation were received with the following comments on the application.
- Amended plans mean there is no longer cause to object;
 - Could support if the scheme could never be converted to residential use;
- 5.10. **Caroline Lucas MP** has made representation objecting to the application. A copy of the letter is appended to this report.
- 5.11. **Councillor Pete West** has made representation objecting to the application. A copy of the letter is appended to the report.

6. CONSULTATIONS

Internal:

- 6.1. **Air Quality:** No objection subject to conditions re CEMP and emissions. The proposed site will produce fewer vehicle trips compared with the former car-hire use. This can be classed as air quality positive.
- 6.2. **Arts Development:** Comment The operation of the music venue in close proximity to the proposed development should be protected and appropriate mitigation implemented. It is likely that only a covenant or deed of easement protecting it from future complaints would suffice, alongside sound proofing and other practical mitigations.
- 6.3. **City Clean:** No objection Commercial bins should be provided within the building or commercial sacks can be disposed of in on-street communal refuse bins.
- 6.4. **Economic Development:** Comment The entire building will now be for commercial use which is favoured.
- 6.5. **Environmental Health:** No objection The recommendations made in the acoustic report would be adequate to mitigate any potential noise complaints. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration should be submitted. Contaminated land conditions recommended.

- 6.6. **Heritage:** No objection subject to conditions relating to external materials and large scale details of entrance area and shopfront. Overall, the proposed development would enhance the appearance and character of the North laine conservation area and would enhance the settings of the grade II listed Prince Albert PH and the grade II* listed Brighton Station.
- 6.7. **Planning Policy:** No objection. The site falls within the Central Brighton area defined through City Plan Part One Policy SA2 and commercial use is considered appropriate.
- 6.8. **Sustainability:** No objection subject to BREEAM 'excellent' rating and an Energy and Sustainability Statement.
- 6.9. **Sustainable Drainage:** No objection. The proposed surface water drainage strategy is acceptable. A foul water drainage strategy can be secured by condition.
- 6.10. **Sustainable Transport:** No objection subject to conditions relating to the provision of cycle parking, a Construction and Environmental Management Plan (CEMP) and Delivery and Service Management Plan (DSMP), plus the reinstatement of the kerb and footway in place of the redundant vehicle crossover.
- 6.11. **Urban Design:** No objection provided that there is no residential accommodation at the site, and hours of use are limited, and subject to the provision of an energy strategy.
- External:
- 6.12. **Conservation Advisory Group:** No objection. Advice offered regarding front façade design.
- 6.13. **County Archaeologist:** No objection Although this application is situated within an Archaeological Notification Area, no archaeological remains are likely to be affected by these proposals.
- 6.14. **Ecology:** No objection subject to conditions in relation to provision of bee bricks, bird boxes and an Ecological Design Strategy.
- 6.15. **Exa Infrastructure:** No objection. Advice given regarding proximity to Fibre Optic Cable.
- 6.16. **Historic England:** No objection. No comments offered.
- 6.17. **Southern Water:** No objection. A formal application for a connection to the public sewer is required.
- 6.18. **Sussex Police:** No objection
- 6.19. **UK Power Networks:** No objection Advice given regarding proximity to substation.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development
SA2 Central Brighton
SA6 Sustainable Neighbourhoods
CP2 Sustainable economic development
CP3 Employment land
CP4 Retail provision
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces
CP15 Heritage

Brighton & Hove City Plan Part Two:

DM11 New Business Floorspace
DM18 High quality design and places
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM23 Shopfronts
DM26 Conservation Areas
DM29 The Setting of Heritage Assets
DM33 Safe, sustainable and active travel
DM36 Parking and servicing
DM37 Green Infrastructure and Nature Conservation

DM40 Protection of the Environment and Health - Pollution and Nuisance
DM41 Polluted sites, hazardous substances and land stability
DM42 Protecting the Water Environment
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables
DM46 Heating and cooling network infrastructure

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the surrounding area, impact on cultural and heritage assets, impact on neighbouring residential amenity, and highways and sustainability implications.

Principle of the Development:

- 9.2. The site falls within the Central Brighton area defined through City Plan Part One Policy SA2 and the proposed commercial use is considered appropriate. The site is unallocated and there is no preference set out in policy for specific uses should the sui generis car rental premises be redeveloped. The existing building is of low quality and its redevelopment is welcomed. The proposed uses are therefore acceptable in principle in policy terms subject to detailed site-specific considerations.
- 9.3. With regard to the commercial floorspace, Policy DM11 of City Plan Part 2 (CPP2) is relevant, and requires that the E class floorspace should be well designed with layouts that will be suitable for a range of users. There are several areas of floorspace proposed of differing shapes and sizes, which could be flexibly configured and utilised. Although not all rooms would benefit from windows, particularly at lower levels, there would be several lightwells and/ or rooflights which would allow in natural light and, overall, it is considered that the proposal would result in a high quality new commercial property.
- 9.4. The proposed use is therefore, in policy terms, acceptable in principle subject to other planning considerations outlined below. The Council's Planning Policy officer has no objections to the scheme.

The 'Agent of Change' Principle:

- 9.5. The Prince Albert public house adjacent to the application site is a key cultural asset and long-standing live music venue and therefore the 'agent of change' principle is relevant. This is set out in the paragraph 187 of the NPPF and

referenced in the supporting text to City Plan Part Two Policy DM40 at paragraph 2.313 noting that new development should be integrated effectively with existing businesses and facilities, which should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Put simply, in this case the new commercial use should not restrict the use of the adjacent Prince Albert music venue because of noise concerns.

- 9.6. It is noted that a large number of the objections to the application relate to the potential impact of siting holiday lets adjacent to the pub, but that these have now been removed from the scheme.
- 9.7. The pub is open seven days a week from midday to midnight (00:30 on Friday and Saturdays). Live music events take place from 20:00 to 23:00 hours on weekdays and 20:00 to 23:30 on Friday and Saturday evenings, with some further additional daytime events.
- 9.8. Additionally, there are external tables at the front of the pub and a beer garden to the rear which will also generate noise through customers' conversations. The Green Door Store is another established live music venue in close proximity to the application site which has a 4am licence and an external smoking area. Noise from customers leaving the venue is therefore likely to affect the application site. The importance of these cultural assets means that it is important that new uses on the adjacent site do not compromise their ability to operate unhindered.
- 9.9. It is recognised that there is now no residential use proposed at the site which is welcomed. The Planning Statement asserts that the commercial units would not be noise sensitive and would not be impacted by noise and disturbance emitted from the public house. However, it is noted above that daytime live music events do take place, and the opening hours of the Prince Albert mean that noise and disturbance could affect those working in the commercial units during the normal working hours. Therefore, appropriate mitigation is essential.
- 9.10. The applicant has provided a Noise Impact Assessment which includes measurements of noise levels during live music events. The report makes several recommendations, such as an independent wall lining on the side of the new construction closest to the Prince Albert pub and enhanced flooring between the basement to third floors to minimise noise transfer between the spaces.
- 9.11. The Council's Environmental Health Officer has assessed the report and agrees that the recommendations made would be adequate to mitigate any potential noise impacts. However, it is considered prudent to restrict hours of use of the proposed premises between 7am and 8pm, as the noise levels at the pub can increase notably after this time in the evening. The recommendations in the noise report and hours of use can be secured by condition, including a requirement that the effectiveness of the noise mitigation measures is checked prior to occupation of the building.

- 9.12. Notwithstanding the above, the Council's Arts Development Officer has recommended that, alongside the sound proofing and other practical mitigations, a covenant or deed of easement is secured to protect the pub from future complaints. This has been used in several other cases around the country, albeit very rarely, and is a private agreement between two landowners. It is a legal means to prevent future residents of a new development from making complaints about an existing venue if licensing requirements are met and noise emissions remain within an agreed level.
- 9.13. This is noted and the issue has been explored by the Council; however ultimately a deed of easement is not considered reasonable in this instance given the area already contains residential properties, and noting that no residential development is proposed in the scheme. This is a busy location, close to Brighton station within an existing mixed-use area of the city centre so background noise levels are already high and existing residents already aware of and affected by the existence of the nearby music venues. Further, those using commercial premises are by nature less sensitive to noise, with less of an expectation of quiet than a residential occupant in their home. Given these factors, in this instance therefore it is considered unreasonable to require the applicant to secure such a stringent legal mechanism.
- 9.14. Subject to sufficient noise mitigation measures, a commercial use (Class E) is considered wholly appropriate for this currently underutilised site.
- 9.15. Overall, the stringent soundproofing measures and hours of use outlined above are considered sufficient to protect future occupiers of the commercial unit from noise and disturbance from the Prince Albert public house. This will provide the necessary protection to safeguard the public house from future noise complaints.

Design and Appearance and Heritage considerations:

- 9.16. 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.
- 9.17. The existing building is of no architectural merit and is identified in the North Laine Conservation Area Study as detracting from the character and appearance of the area. It also detracts from the setting of the adjacent listed Prince Albert pub. In design terms the redevelopment of the site is therefore welcomed, and the proposed use would be appropriate to the North Laine Conservation Area.
- 9.18. The footprint, scale and height of the proposed building are considered to be appropriate to the townscape and to the setting of the adjoining listed building. The proposed development responds positively to the topography of the site,

filling the gap by stepping up appropriately with the gradient of the road and would respect the existing pattern of the development in the area.

- 9.19. The elevational approach, referencing the fenestration divisions of the public house, is considered to be suitably contextual together with a mainly rendered façade to match the adjoining buildings. The mansard-style top storey is set back sufficiently so as not to impinge upon the side return to the cornice of the public house.
- 9.20. The east flank elevation of the grade II listed Prince Albert public house has an original window opening, which serves the stairwell and is located on the half-landing between ground and first floor levels. The window itself is an unusual centre pivot casement divided by glazing bars into four equal panes of glass. It forms the only source of natural light to the staircase at lower level (there is a rooflight over the top landing) and, typically for buildings of this period, the staircase is a fine and important feature of the building. Amended plans have introduced a well-sized lightwell in this area (with an access door for maintenance). This satisfactorily overcomes the heritage concerns relating to loss of light.
- 9.21. Overall, it is considered that the proposed development would enhance the appearance and character of the North Laine Conservation Area and the settings of the grade II listed Prince Albert Pub and the grade II* listed Brighton Station. It is noted that Historic England, the Conservation Advisory Group and the Council's Heritage Officer and Urban Design Officer do not object to the scheme. Materials samples and large-scale details of the proposed shopfronts can be secured by condition.

Impact on Amenity:

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

Daylight/ Sunlight:

- 9.23. A Daylight and Sunlight Assessment has been submitted with the application which assesses the impacts on the adjacent properties in Trafalgar Street, Over Street and Frederick Place, using the method given in the BRE good practice guidance document 'Site Layout Planning for Daylight and Sunlight'; the conclusions are summarised below.
- 9.24. The proposed development would impact on the daylight reaching the window on the eastern elevation of the Prince Albert pub. However, it is recognised that the window serves a stairwell within a commercial unit rather than a habitable room, and that some daylight would be preserved by the proposed lightwell in front of the window. For this reason, it is considered that refusal of the application on these grounds is not warranted. It is also noted that there is a small outside/smoking area to the rear of the pub, essentially a partially covered narrow strip of land running east to west. Again, it is not considered that the impact from the

development on this area would be so severe as to warrant refusal of the application.

- 9.25. The daylight and sunlight received to the rear of the residential properties in Over Street is already significantly compromised by the existing situation and there would be no additional adverse impacts at ground floor level, only marginal daylight impacts at first floor level, and very minimal loss of sunlight to the second-floor decks of 23 and 24 Over Street. These minor impacts would not be contrary to BRE good practice guidance, and the proposal is considered acceptable in this regard.
- 9.26. The proposed increase in height at the site would have some impact on the availability of daylight and sunlight to the rear of the two residential properties immediately west of the site at nos. 29 and 30 Frederick Place. However, the assessment indicates that these dwellings are already compromised, particularly at ground floor level, by existing buildings in the vicinity and the overall impact of the proposed development would be limited, according to the criteria laid down in the BRE good practice guidance. It is recognised that these properties are double aspect and would still receive light from their front windows which would be unaffected.
- 9.27. The proposed development would have some impact on the five rooflights at 28a Frederick Place, mainly through loss of sunlight for part of the year as most daylight is received vertically. However, these rooflights do not illuminate habitable rooms, rather serve a commercial building where reliance on artificial light is a lesser consideration than on a residential building. Therefore, the proposal is considered acceptable in this regard.
- 9.28. It is noted that there are existing windows that serve residential accommodation to eastern elevation of no. 46 Trafalgar Street adjacent to the east. The increase in height at the site may lead to some overshadowing of these windows. However, the windows appear to be secondary and / or do not serve habitable rooms so it is not considered that the impacts on these windows would warrant refusal of the application.

Overlooking / Loss of Privacy / Overbearing Impact:

- 9.29. In terms of overlooking and/ or loss of privacy, there are several eastern side windows proposed to the third floor of the development, however this top storey would be inset from the east, and, given the distances involved, it is not considered any undue overlooking of properties in Over Street would arise. The small side windows proposed at first and second floor levels are not considered to result in any harmful overlooking of neighbouring properties, given their size.
- 9.30. However, the easternmost front windows at first and second floor level could potentially give rise to views into the side windows of the flats at no. 46 Trafalgar Street to the east, given the close relationship between the two. For this reason, it is recommended that those windows are obscured glazed.
- 9.31. Whilst the proposal is taller than existing it has been designed to ensure that increases in bulk are set away from shared boundaries to reduce negative

amenity impacts. As such, it is not considered that the proposal would result in a sufficiently overbearing or enclosing impact to adjoining residents.

Roof Terrace:

- 9.32. There is a roof terrace proposed at third floor level. Although a 1.8 metre privacy screen is proposed, it is considered that a raised terrace at this level would be unneighbourly in terms of the relationship with the adjacent residential dwellings and gardens in Over Street. The terrace would give a perceived sense of overlooking and loss of privacy from a raised height at very close quarters to the neighbouring properties.
- 9.33. It should also be noted that there is an extant permission (BH2021/01841) for 2 new infill dwellings adjacent to no. 25 Over Street. The approved plans include patio areas. The proposed raised terrace would be sited directly adjacent to these approved dwellings and would form an uncomfortable relationship. There is also the potential of noise nuisance arising from the terrace which could also impact on the flats at 46 Trafalgar Street to the east.
- 9.34. Although some outside space would generally be desirable within a new commercial development, it is not considered an essential requirement within this city centre location. Additionally, there is also the potential for the workers to be impacted by the live music from the pub when using the roof terrace. Given the above, it is considered that the terrace area, and all other areas of flat roof, should be used for maintenance or emergency purposes only. This can be secured by condition.

Noise/ Activity:

- 9.35. The introduction of plant in a dedicated space inside the third-floor stairwell is noted. This is a potential source of noise to the proposed users of the development. The Council's Environmental Health Officer has recommended that a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration should be sought. This can be secured by condition.
- 9.36. In terms of hours of use of the proposed premises, Class E allows a wide range of options including office space, retail units and gyms. The site is within a busy city centre location; however, the configuration of the space and the end users of the development are not finalised. Therefore, in this instance, it would be prudent to take a conservative approach to the hours of use to protect adjoining residents from noise, this would also benefit the adjacent Prince Albert pub in terms of the 'agent of change' principle. The hours of use can be secured by condition.
- 9.37. Notwithstanding the above, it should be noted that nearby occupiers are likely to benefit from the loss of the car rental use, with vehicles no longer noisily entering and exiting the site.
- 9.38. Overall, although there may be some minor impact on adjacent uses from the proposed development, there would also be some benefits, and, overall, any

impact caused is unlikely to cause significant harm to living conditions and the scheme is considered acceptable in this respect.

Sustainable Transport:

- 9.39. It is considered unlikely this development in the city centre would generate significant additional vehicle trips, given the former use of the site as a car rental premises. There may be an increase in person trips to the site however, in this central location, this are unlikely to have a significant impact on the local highway network.
- 9.40. The site is within a Controlled Parking Zone. No car parking provision is being proposed for the development and there is the potential for parking overspill onto the highway. However, the site is in a very central location and next to Brighton Railway Station and a large bus stop hub. For those who do wish to travel by car, there are pay and display parking and disabled parking bays on Over Street and Trafalgar Street car park is nearby. Therefore, it is considered that the lack of on-site car parking does not warrant refusal of the application in this case.
- 9.41. For a development of this size, Parking Standards SPD14 requires a minimum of 17 cycle parking spaces provided for staff and 3 cycle parking spaces provided for visitors. The proposed 10 cycle parking spaces is therefore below the minimum requirements. There would need to be amendments to the layout to accommodate a minimum of 20 cycle parking spaces in a secure and convenient cycle parking storage. SPD14 also states that showers and changing facilities should be provided for developments of over 500m sqm.
- 9.42. Therefore, notwithstanding the plans submitted, additional cycle parking provision and shower/changing facilities should be provided as there is ample space on site.
- 9.43. The Council's Highways Officer has no objections to the scheme subject to the provision of the above facilities, a Construction and Environmental Management Plan (CEMP), a Delivery and Service Management Plan (DSMP), plus the reinstatement of the kerb and footway in place of the redundant vehicle crossover of Trafalgar Street. These measures can be secured by condition.

Sustainability:

- 9.44. Policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the city's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. CPP2 Policy DM44 requires conversions and new build non-residential to achieve a minimum energy Performance Certificate EPC rating 'B'. This can be secured by condition.
- 9.45. The submission documents state that the development would achieve a BREEAM 'Excellent' rating. However, a pre-construction BREEAM assessment of the appropriate standard has not been submitted. Therefore, it is recommended that the pre-construction assessment and a post-construction certificate to demonstrate completion is secured by condition.

- 9.46. In addition, an Energy and Sustainability Statement should be provided by condition to explain how the development would meet planning policy for energy efficiency, carbon emissions, renewable energy, biodiversity, and other sustainability requirements.

Ecology:

- 9.47. The site is not designated for its nature conservation interest and is dominated by buildings and hard standing, with no vegetated space. The existing building offers extremely limited potential for roosting bats or nesting birds. The site is unlikely to support protected species.
- 9.48. As a major application, Policy DM37 of CPP2 and BHCC's Interim Technical Advice Note on biodiversity net gain (BNG) requires the development to deliver a minimum of 10% BNG. Given that the site is dominated by buildings and hard standing, the metric baseline would be zero, effectively negating the need for BNG.
- 9.49. However, both policies CP10 of the CPP1 and DM37 require developments to seek to provide biodiversity enhancements. It is noted that green roofs are proposed. The County Ecologist has recommended the provision of swift boxes, bee bricks and an Ecological Design Strategy; these can be secured by condition. Provided appropriate measures are implemented, the proposal can be supported from an ecological perspective.

Other considerations:

- 9.50. Given the former use of the site as a vehicle repairs workshop, investigations with regard to the potential for contaminated land are recommended by the Council's Environmental Health Officer. These can be secured by condition.
- 9.51. It is noted that the Council's Air Quality Officer supports the scheme as the proposed development would produce fewer vehicle trips compared with the former car-hire use which can be classed as 'air-quality positive'.
- 9.52. The Council's Flood Risk manager has agreed that the submitted sustainable drainage strategy in respect to surface water is acceptable, and foul water dispersal strategy can be secured by condition.

Conclusion and Planning Balance:

- 9.53. The existing building design is of low-quality and detracts from the character and appearance of the area and the setting of the adjacent listed Prince Albert pub. The redevelopment of the site is therefore welcomed, and the proposed use would be appropriate to the North Laine area. It is also considered it would enhance the appearance and character of the conservation area and the settings of the grade II listed Prince Albert PH and the grade II* listed Brighton Station. There should be no significant harm to the amenity of neighbouring dwellings, given the existing situation and subject to a condition relating to hours of use.
- 9.54. Notwithstanding the above, it is recognised that the Prince Albert public house adjacent to the application site is a key cultural asset and long-standing live

music venue. Therefore the 'agent of change' principle is relevant whereby existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Taking note of this, the applicant has deleted the proposed residential 'holiday lets' from the scheme and the proposal is now solely commercial.

- 9.55. Give the above, subject to stringent soundproofing measures, appropriate hours of use, and restrictions on potential future changes of use, the new development should integrate effectively with existing businesses, and, as such, it is considered that the benefits of the scheme would significantly outweigh any negative impacts. Approval of the application is therefore recommended as the proposal is considered to positively contribute towards meeting the objectives of the City Plan policies.

10. EQUALITIES

- 10.1. A lift to all floors is proposed and there appears to be ground floor level access to the building. There is no disabled car parking being proposed due to the site constraints. However, there are disabled bays located on Over Street, and Brighton Railway Station and Trafalgar Street car park are within a short distance. Blue badge holders can park on single or double yellow lines for up to 3 hours if there is not a loading restriction.

11. COMMUNITY INFRASTRUCTURE LEVY

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



**Brighton & Hove
City Council**

Caroline Lucas MP

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

BH2022/02492 – 47 Trafalgar Street

9th December 2022:

I've been contacted by several constituents who have concerns about the planning application submitted to develop the site at 47 Trafalgar Street for new housing. The concerns being raised by my constituents is due to the proximity of the site to the Prince Albert pub, a much-loved and popular pub and live music venue in the North Laine.

As the MP for Brighton Pavilion, I am acutely aware of the need for additional housing in the city, and also the preference for brownfield sites to be utilised for this purpose. However, I share my constituents' concerns about the potential risks a housing development could pose so close to an established live music venue like the Prince Albert. I actively lobbied the Government about the need for better protections for live music venues and, I pushed for, and I support, the agent of change principle. As Brighton and Hove City Council will be aware, the agent of change has been incorporated into the National Planning Policy Framework (NPPF), which notes that:

"187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Grassroots music venues play an important role in the city's night-time economy, and Brighton and Hove is well known for its vibrant and creative arts sector and for its role nurturing new talent. It is vital that councillors considering this planning application reflect the spirit of the agent of change in any planning decision made to ensure that the future of the Prince Albert is not placed at an increased risk as result of any new development. I am aware that many councillors and officers are already alert to the risk grassroots music venues face, and that this is something which has been a factor in discussions for the City Council's City Plan. When this application is discussed by the Planning Committee, I encourage councillors to ensure that the rich history of the Prince Albert is taken into consideration, and its value as an important part of the fabric of the city's music scene is properly recognised. Protections need to be in place to ensure that any new development does not create a potential noise nuisance issue which could later threaten the existence of this venue.



**Brighton & Hove
City Council**

Cllr Pete West

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

BH2022/02492 – 47 Trafalgar Street

30th October 2022:

As a ward councillor for St Peter's & North Laine Ward I wish to support the many objections being made to this application by neighbouring residents, businesses and The North Laine Community Association.

The application appears to contravene planning policy, and adversely impacts in terms of: overdevelopment, scale, height, overlooking, loss of daylight, sunlight and privacy. The appearance, which has been described quite fairly as "harsh" is out of keeping and will impact the conservation area, eroding the character of the area.

I can't say I agree with the positive views expressed by CAG or that of the Heritage Team who feel the current development on the site detracts from the conservation area whereas the proposed would not. I have no great affection for the garage building, but two wrongs don't make a right.

The change of use and construction will be disruptive to the neighbourhood, impacting foot and vehicle traffic in the narrow and busy thoroughfare of Trafalgar Street, which is a critical corridor to the station.

There is particular concern about the impact upon the Prince Albert, which is an important music venue in the city. The development not only shows no architectural respect to the listed building and its stunning appearance, but the change of use to include holiday lets, and presented as it is, risks future conflict over the established licensed activities from noise complaints.

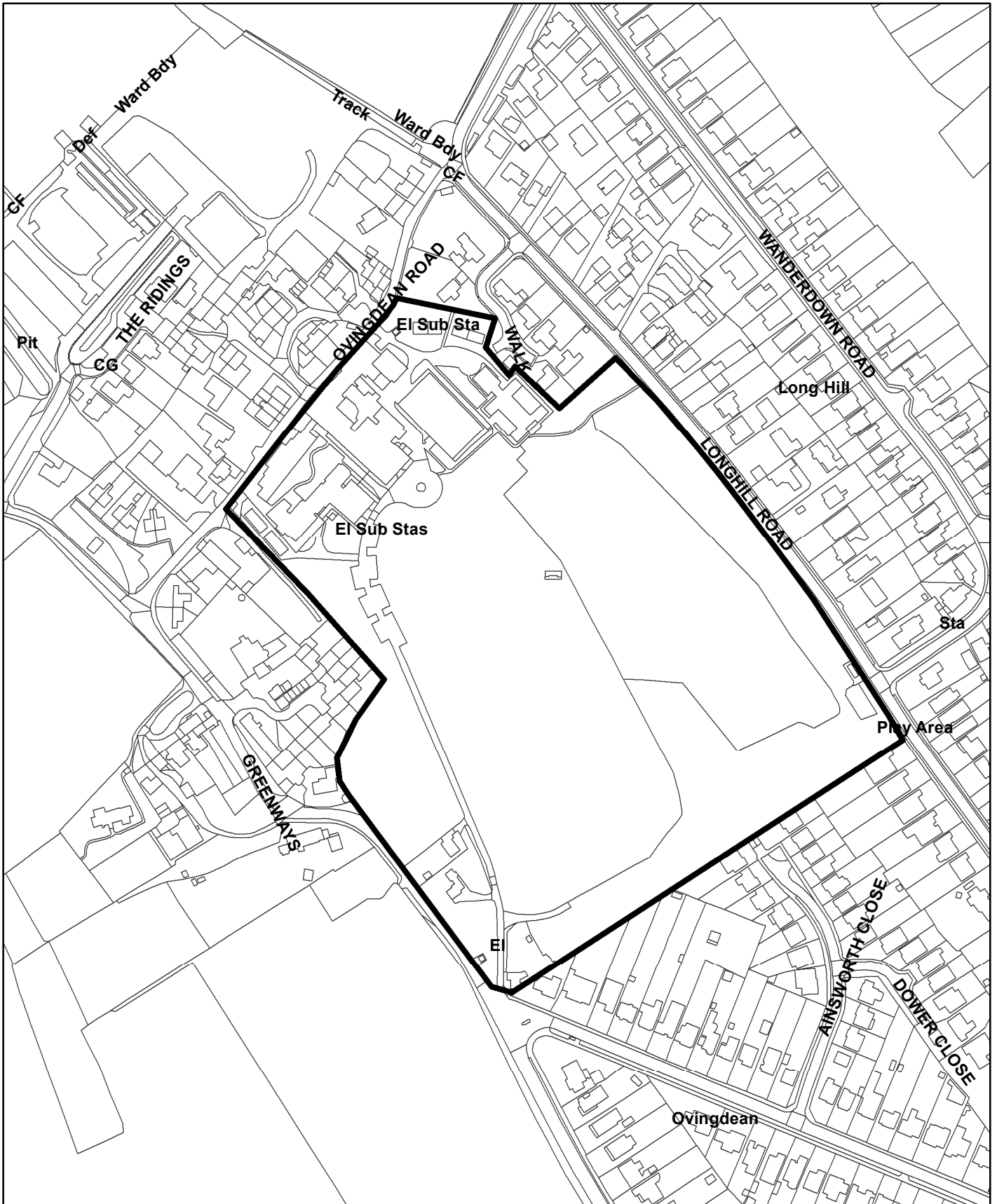
This overbearing application is unwelcome, and the sensitivity and importance of the location deserves much better.

ITEM B

**Ovingdean Hall, English Language School
BH2023/00830
Full Planning**

DATE OF COMMITTEE: 1st November 2023

BH2023 00830 - Ovingdean Hall, English Language School



Scale: 1:3,000

<u>No:</u>	BH2023/00830	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Ovingdean Hall English Language School Greenways Brighton BN2 7BA		
<u>Proposal:</u>	Demolition of existing theatre, swimming pool, external storage and 2no accommodation blocks and erection of part-two and part-three storey extension to Ovingdean Wing, erection of detached three-storey accommodation building, relocation of existing MUGA, landscaping alterations and associated works.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	27.04.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	27.07.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	20.10.2023
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Oxford International College Brighton Ovingdean Hall English Language School Greenways Brighton BN2 7BA		

1. RECOMMENDATION

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

Section 106 Heads of Terms:

Biodiversity Net Gain

- A contribution of £12,250 towards the long-term monitoring of Biodiversity Net Gain proposals over a 30 year period.

Transport

- A Travel Plan and an accompanying Monitoring fee of £8,404.80

Employment and Training

- A contribution of £35,150 towards the Brighton & Hove Local Employment Scheme
- Employment and Training Strategies for both demolition and construction demonstrating a minimum percentage of 20% local employment

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	OVH-BDP-ZZ-00-PL-A-204005	P4	17 August 2023
Block Plan	OVH-BDP-ZZ-00-PL-A-204007	P4	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-00-PL-A-044001	P3	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-00-PL-A-044002	P3	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-00-PL-A-044003	P3	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-00-PL-A-204009	P4	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-01-PL-A-204011	P4	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-02-PL-A-204013	P4	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-B1-PL-A-204014	P4	19 June 2023
Proposed Drawing	OVH-BDP-ZZ-RF-PL-A-204015	P4	17 August 2023
Proposed Drawing	OIC-ECE-02-00-EL-A-214008	P3	5 July 2023
Proposed Drawing	OIC-ECE-02-00-EL-A-214010	P3	5 July 2023
Proposed Drawing	OVH-BDP-ZZ-XX-DR-A-044017	P1	17 March 2023
Proposed Drawing	OVH-BDP-ZZ-00-EL-A-214002	P3	19 June 2023
Proposed Drawing	OVH-BDP-ZZ-00-EL-A-214004	P3	19 June 2023
Proposed Drawing	OVH-BDP-ZZ-00-EL-A-214006	P3	19 June 2023
Proposed Drawing	DKS/894.5 TPP002		17 March 2023
Proposed Drawing	DKS/894.5 TPP002		17 March 2023
Proposed Drawing	L-100	P07	17 March 2023
Proposed Drawing	L-101	P07	17 March 2023
Proposed Drawing	L-200	P02	17 March 2023
Proposed Drawing	L-201	P02	17 March 2023
Proposed Drawing	L-300	P03	17 March 2023
Proposed Drawing	L-400	P03	17 March 2023
Proposed Drawing	L-401	P03	17 March 2023
Report/Statement	ARBORICULTURE REPORT		17 March 2023

Report/Statement	ARCHAEOLOGICAL DESK-BASED ASSESSMENT		17 March 2023
Report/Statement	DAYLIGHT, SUNLIGHT & OVERSHADOWING REPORT		17 March 2023
Report/Statement	ENERGY STATEMENT REPORT		17 March 2023
Report/Statement	FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY PART 1		17 March 2023
Report/Statement	FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY PART 2		17 March 2023
Report/Statement	HISTORIC BUILDING ASSESSMENT		17 March 2023
Report/Statement	LANDSCAPE DESIGN REPORT		17 March 2023
Report/Statement	LANDSCAPE VISUAL IMPACT ASSESSMENT		17 March 2023
Report/Statement	NOISE IMPACT ASSESSMENT		17 March 2023
Report/Statement	PRELIMINARY ROOST ASSESSMENT & EMERGENCE 1	V2	2 October 2023
Report/Statement	SETTING ASSESSMENT		17 March 2023
Report/Statement	SUSTAINABILITY REPORT		17 March 2023
Report/Statement	TRANSPORT ASSESSMENT		17 March 2023
Report/Statement	BIODIVERSITY METRIC 4.0		6 October 2023
Report/Statement	BIODIVERSITY METRIC Technical Annex 1		6 October 2023
Report/Statement	PRELIMINARY ECOLOGICAL APPRAISAL	V2	2 October 2023
Report/Statement	Written Scheme of Investigation for Archaeological Evaluation		6 October 2023

Report/Statement	Written Scheme of Investigation Historic Building Record		26 July 2023
Report/Statement	Addendum Drainage Note RE004	A	8 August 2023
Report/Statement	SUDS Drainage Management Plan - MUGA RE005	A	8 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. The development hereby permitted shall not be commenced until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. 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.

5. No development, including demolition, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

6. 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 for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. Prior to the commencement of development an energy statement shall be submitted for approval in writing setting out how the clubhouse will achieve carbon emissions reduction in line with the requirement of the Future Buildings Standards including building fabric details and heating/hot water solutions together with thermal modelling to ensure risks of overheating are mitigated and to ensure correct sizing of heating and ventilation systems.
Reason: In order to comply with Brighton and Hove City Plan Part 1 policy CP8 and Brighton and Hove Submission City Plan Part 2 policy DM44.

8. Other than demolition works, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - (i) Final drainage plans confirming the locations and sizings of all elements and including a maintenance and management plan for each element
 - (ii) The results of infiltration tests at the location of each soakaway, demonstrating that ground conditions at the site are appropriate for the proposed infiltration of surface water
 The development shall subsequently be implemented in accordance with the approved details.
Reason: To ensure that the drainage plans as delivered will effectively dispose of surface water and prevent flooding on site, and will be maintained so that they may continue to do so, and to comply with policy DM43 of the Brighton & Hove City Plan Part Two.

9. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles, amphibians

and badgers has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

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

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and Protection of Badgers Act 1992.

10. No development shall take place until an Ecological Design, Management and Monitoring Strategy (EDMMS) for the provision of a minimum 10% biodiversity net gain within a 30 year period, to include the details provided in the Preliminary Ecological Appraisal V2 (Arborweald, 14/09/23) and other site-specific biodiversity features, to include 70 bird boxes across the site, eight bat boxes, and five reptile hibernacula, has been submitted to and approved in writing by the local planning authority. The EDMMS shall include the following parts:
 - a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments);
 - b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments);
 - c) Aims and objectives for the proposed works;
 - d) Site specific and wider ecological trends and constraints that might influence works;
 - e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication;
 - f) Details of the legal and funding mechanism(s) by which the implementation of the EDMMP will be secured by the developer with those responsible for its delivery;
 - g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed biodiversity features/works;
 - h) Works Schedule, written for both on- and off-site areas (where present), aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period;
 - i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met;

- j) Details for on-going monitoring of BNG habitats in years 2, 5, 10, 15, 20, 25 and 30, and any other biodiversity features (where present), including:
- Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured;
 - Methods for data gathering and analysis;
 - Location, timing and duration of monitoring;
 - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority;
 - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

The EDMMS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter. Where supporting information to the EDMMP is provided in other key documents such as a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) it should be clearly referenced at each part of the EDMMS.

Reason: To provide a minimum 10% measurable biodiversity net gain as required by DM37 of the Brighton & Hove City Plan Part Two.

11. Prior to commencement of development a programme of archaeological works shall be undertaken in accordance with the archaeological Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority (Archaeology South-East document dated October 2023). No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under this condition.

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

12. No demolition works shall commence to the swimming pool building until an appropriate programme of building assessment and recording (including architectural/historical analysis) has been secured in respect of the building concerned, which is in accordance with the Written Scheme of Investigation that has submitted to and agreed in writing with the Local Planning Authority (Archaeology South-East document dated July 2023). This record shall be carried out by an archaeologist / building recorder or an organisation with acknowledged experience in the recording of standing buildings to professional standards and guidance, which is acceptable to Brighton and Hove City Council. Once approved, the development shall only be undertaken in full accordance with the approved written scheme of investigation and the findings presented in the format and timetable agreed.

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

13. 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) Details of all brick and tiling
 - b) Details of all cladding to be used, including details of their treatment to protect against weathering
 - c) Details of all hard surfacing materials
 - d) Details of the proposed window, door and balcony treatments
 - e) Details of all other materials to be used externally
 - f) Details of the surface finish and fencing (including colour) of the MUGA
- Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

14. Notwithstanding any details shown on the approved plans, prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

15. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation

- 16. 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.

- 17. Notwithstanding the plans hereby approved, prior to first occupation of the development hereby permitted, a Car Park Layout and Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the plan for use at all times.

Reason: To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with SPD14 Parking Standards, Policy CP9 of the City Plan Part One and Policy DM33 of the City Plan Part Two.

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

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

- 19.

- i) Prior to the installation of the floodlighting hereby approved, details including levels of luminance, hours of use, predictions of both horizontal

illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance shall be submitted to the Local Planning Authority for approval in writing.

- ii) Prior to first use of the floodlighting hereby approved, the predicted illuminance levels (as agreed under part i) of this condition) shall be tested by a competent person to ensure that they are achieved. Where the predicted levels are met, confirmation shall be demonstrated to the Local Planning Authority for approval in writing. Where predicted levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i). The external lighting shall be installed, operated, and maintained in accordance with the approved details and thereafter retained.

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

20. No external use of the relocated MUGA shall take place until a management plan for the MUGA has been submitted to and approved in writing by the Local Planning Authority. The Management Plan should set out how the MUGA will be made available for external use, how this would operate and how any impacts upon residents will be minimised.

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

21. No development of any boundary treatment shall take place until a sample panel of flintwork has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

22. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

23. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre

from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

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

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

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

25. At least one bee brick shall be incorporated within the external wall of each building 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.

26. The development hereby permitted shall incorporate at least seventy (70) swift bricks/boxes within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy 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.

27. The area of the site to the north and east of the new accommodation block hereby approved shall be for maintenance or emergency purposes only and this area shall not be used as an amenity area.

Reason: In order to protect adjoining properties from noise disturbance and to comply with Policies DM20 of Brighton & Hove City Plan Part Two.

Informatives:

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

2. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act
4. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
6. 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.
7. 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' which can be accessed on the DCLG website (www.communities.gov.uk).
8. 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

2. SITE LOCATION

- 2.1. The application relates to Ovingdean Hall School, set in expansive grounds (8ha) adjoining the historic Ovingdean village. The site originally hosted the c.1792 Ovingdean Hall manor, however was later (c.1890s) converted into a school. Over the 19th, 20th and 21st centuries a collection of further buildings have been erected to the north and west of the main Hall to expand the educational use of the site. The south and east of the site comprises playing fields and open ground, with substantial tree planting.
- 2.2. The main Hall is grade II listed, and the later additions and curtilage buildings in place by 1947 are similarly protected.

- 2.3. The site is established in educational use (Class F.1), most recently having been a language school. The site has however been vacant for the last five years.
- 2.4. Other land use constraints include the site being within the Ovingdean Conservation Area, being partially within and adjacent to an Archaeological Notification Area (ANA), and the northeastern part of the site being a designated Local Wildlife Site. The site is also covered by a Tree Protection Order (TPO) and is partially designated as Open Space. The South Downs National Park (SDNP) lies to the north and west, from within which the site is visible.
- 2.5. Neighbouring uses are primarily residential, with dwellings adjacent to much of the site boundaries.
- 2.6. Consents have already been granted for alterations and extensions to buildings across the school site (refs. BH2022/02305, BH2022/03070, BH2022/03071 and BH2022/03364, referred to as Phase 1). Alterations have been approved to the Teaching Block, Bradbury, Ditchling and the principal buildings Ovingdean Hall and Ovingdean Wing.

3. RELEVANT HISTORY

The site has extensive planning history:

- 3.1. **BH2023/01048** - Creation of new entrance with metal canopy over, associated landscaping to south elevation and installation of new windows at first floor with ventilation louvres. Approved
- 3.2. **BH2023/00831** (Listed Building Consent) - Demolition of existing theatre, swimming pool, external storage and 2no accommodation blocks and erection of part-two and part-three storey extension to Ovingdean Wing, erection of detached three-storey accommodation building, relocation of existing MUGA, landscaping alterations and associated works. Under consideration
- 3.3. **PRE2022/00140** - Demolition of theatre, swimming pool, external storage and two accommodation blocks and the erection of a part-one, part-two and part-three storey extension to the Ovingdean Wing, erection of a detached 2.5 storey building and the relocation of the MUGA. Pre-application advice provided.
- 3.4. **BH2022/03364** - Erection of two storey extension within existing courtyard to the North-East of the building, revised fenestration, landscaping alterations including decked area and associated works. Approved
- 3.5. **BH2022/03070 & BH2022/03071** - External alterations including erection of first floor extensions to north elevation, new fire escape doors, relocation of kitchen extract flue, removal of fire escape ladders, extract vent tiles to roof, installation and new windows. Approved
- 3.6. **BH2022/02305** - Creation of new entrance with metal canopy over and associated landscaping to south elevation, installation of 3no metal louvred

dormers to south-east roof plane, installation of extract outlets and pipework.
Approved

4. APPLICATION DESCRIPTION

- 4.1. The current application comprises 'Phase 2' of the development on site, and includes:
- The demolition of the theatre, swimming pool building and two accommodation blocks (Littleton and Beacon)
 - The erection of a two/three-storey extension to Ovingdean Wing (comprising classrooms, common rooms, a sports hall, dining area and bedrooms)
 - The erection of a three-storey detached boarding block
 - The relocation of the Multi-Use-Games-Area (MUGA) to the southeastern corner of the site.
 - Landscaping works
- 4.2. Approximately 1280sqm of building floorspace would be demolished, and approximately 4800sqm of floorspace would be created. The proposals include 114 single boarding rooms, and 26 twins.
- 4.3. The redeveloped site would be operated by Oxford International College to create a modern educational facility with boarding accommodation.
- 4.4. During the course of the application amended plans have been received to realign the proposed boarding block. The amendments pull the block further away from the boundary of the site, away from the Root Protection Areas of the boundary trees and the neighbouring dwellings.

5. REPRESENTATIONS

- 5.1. **One (1)** letter of support, raising the following points:
- Good design, in keeping with the site and village
- 5.2. **Four (4)** letters of objection, raising the following points:
- Overdevelopment
 - Noise disturbance
 - Relocation of the MUGA will be too close to residential dwellings
 - Loss of outlook due to scale of new boarding accommodation block
 - Overlooking
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Arboriculture: No objection**
The Arboricultural Constraints Plan (ACP), Tree Protection Plan and Landscape Design Report (The Arboricultural Report is a duplicate of the ACP) has been reviewed. Although the site is covered by an area Tree Preservation Order (TPO), formerly TPO 1968 / 3 has been revoked, with TPO 2023/20 now taking effect. The proposal requires the removal of a number of trees (eleven individual, one group of mixed species), however these trees are in general of poor quality and will have minimal impact upon current amenity.
- 6.2. Proposed tree protection and recommendations for post amelioration works are considered acceptable and with mitigation landscaping conditioned as part of consent there is no objection to this proposal. A detailed Tree Protection Plan and the requirement for a detailed landscaping scheme identifying species, nurser stock size, location and numbers should be conditioned as part of consent.
- 6.3. **County Archaeology: No objection**
Draft Written Schemes of Investigation have been provided and are considered acceptable in principle. Compliance with these WSIs should be secured by condition.
- 6.4. **Ecology: No objection**
The risk to wildlife can be mitigated to acceptable levels through planning conditions.
- 6.5. A Biodiversity Method Statement, a Lighting Design Strategy, an Ecological Mitigation and Management and Monitoring Strategy should be secured, as well as monitoring fees for the Biodiversity Net Gain proposals.
- 6.6. **Economic Development: No comment**
- 6.7. **Environment Agency: No comment**
- 6.8. **Heritage: No objection**
There is no objection to the proposed demolition works. The buildings and extensions to be demolished generally hold no heritage significance and detract from the listed building and its setting. The only partial exception is the pool itself within the swimming pool enclosure. However, its interest is historic only and this can be covered through recording prior to, and during, demolition.
- 6.9. It is welcomed that the site would be brought back into school use, with the listed building once again occupied.
- 6.10. The proposals do increase the overall footprint of development and introduce some 3 storey elements. However, the increased footprint would be within the extent of the existing hard surfaced area and in terms of height the impact would be only slightly negative.
- 6.11. The proposed buildings demonstrate a high standard of design.

- 6.12. The relocation of the MUGA is a significant heritage benefit.
- 6.13. Overall the proposals would have a net benefit in heritage terms by enhancing the appearance and character of the conservation area and by enhancing the settings of Ovingdean Hall and the nearby listed buildings on Ovingdean Road.
- 6.14. **Planning Policy: No objection**
The site is an independent college and the onsite facilities, including the swimming pool, are not open for use by the public, however it is considered appropriate to apply the requirements of CPP2 Policy DM9 in relation to its educational use. Policy DM9 states that development that would lead to the loss of community facilities will only be permitted where it has been demonstrated that at least one of the criteria applies, including replacement facilities of an appropriate quality and size to be provided as part of the new development proposal. As the proposal includes the provision of a modern sports hall to replace the swimming pool, no concerns are raised regarding this policy.
- 6.15. The proposal seeks to relocate the MUGA to the south-west corner of the school playing fields close to the main entrance. It is suggested in the supporting Planning Statement that the relocation would allow for the facility to be made more available to the local community, which is welcomed. As the MUGA is being relocated and not lost, it is considered that there are no concerns regarding Policy CP16 Open Space.

Southern Water:

- 6.16. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 6.17. Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- 6.18. We request that should this planning application receive planning approval, the following informative 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.
- 6.19. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.
- 6.20. **Sports Facilities: Verbal comment**
There is a lack of pool space within the city, however the swimming pool proposed to be lost has not been available to the public for many years.

6.21. Sussex Police Community Safety:

With regards to accommodation buildings - as indicated within the accompanying planning statement given that the school anticipates 400 boarding pupils the implementation of access control into the accommodation blocks will be paramount as this will ensure that entry is for authorised persons only.

6.22. A fit for purpose intruder alarm system should be considered to protect areas of the school when not in use.

6.23. Any external furniture such as benches and planters should be robust and of vandal and graffiti resistant design. Furniture should be fixed into the ground in order to prevent its theft and reduce the possibility of it being used for climbing or as a tool to break through the shell of the school building.

6.24. Sustainable Drainage: No objection

Final drainage plans showing the confirmed locations and sizings of all elements, the results of infiltration tests at the location of each soakaway and a final maintenance and management plan, addressing any types of drainage element (i.e. permeable paving) that are added to the proposals should be secured by condition.

6.25. Sustainable Transport: Further information requested

Further trip generation assessment is requested, as is improved pedestrian access from the school buildings to public footways and bus stops. In addition, details of cycle parking, disabled parking, EV Charging Points, a Delivery and Service Management Plan, a Car Park Layout Plan and Management Plan, and a Travel Plan should be secured by condition. Monitoring fees of £7004+VAT should be secured for the Travel Plan.

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
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Managing Flood Risk
CP12	Urban design
CP15	Heritage
CP16	Open space
CP17	Sports provision
SA5	The Setting of the South Downs National Park

Brighton & Hove City Plan Part Two

DM8	Purpose Built Student Accommodation
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
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
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design, appearance and Heritage impact of the proposals, and the impact upon neighbouring amenity. Arboriculture, ecology and transport are also material considerations.

Principle of Development:

- 9.2. The provision of enhanced facilities for continued educational use of the site is supported in principle. The proposals would result in an educational institution providing a broad range of educational facilities, as well as continued provision

of on-site boarding accommodation. There would be new classrooms, science laboratories and dining areas, as well as a new sports hall. This would not conflict with the development plan.

- 9.3. Paragraph 95 of the NPPF supports the expansion of schools and requires the Council to give 'great weight' to this in the decision-making process.
- 9.4. There would be an increase in pupil numbers of approximately 100 compared to the previous school use, though these have not been restricted by planning condition.
- 9.5. The reoccupation of the listed buildings on site is also supported in principle as securing the optimum viable use of the site as an educational facility as per NPPF paragraph 202.
- 9.6. A large proportion of the site is designated as Open Space, including the open areas to the centre, south and east and including the existing Multi Use Games Area (MUGA). The proposed new buildings are for the most part located outside of this area, save for some sections of the proposed Ovingdean Wing that would extend onto parts of the footprint of the existing MUGA. The relocation of the MUGA would therefore indirectly result in the loss of some Open Space.
- 9.7. In terms of the requirements of Policy CP16, it is considered that exception criterion (c) would be met. This is because there would only be a minor loss of open space, and the loss would bring about benefits in the improvement of public access to the open space through the proposed introduction of public use of the MUGA. It is noted that the Policy consultee has raised no objection to this loss. Any resultant harm is considered not to be significant.
- 9.8. The proposals would result in the loss of the swimming pool on site. It is understood that this pool has in the past served as a type of community facility having been used by local swim schools, albeit not having been open for general use by visiting members of the public. It is noted that the pool has not been used in this capacity for some five years and as such its benefit as a community facility for the purposes of Policy DM9 of the CPP2 is considered to be limited. The Policy consultee has raised no objection to its loss.
- 9.9. The loss of the swimming pool would give rise to some conflict with Policy CP17 of the CPP1 as students at the school would lose access to a sporting facility. However, the proposals include the provision of a modern indoor sports hall and it is considered, in accordance with the views of the Policy consultee, that this would be sufficient to counterbalance the resulting harm.
- 9.10. The proposals include the relocation of the MUGA to the southwest of the site near to the entrance from Greenways, as well as the introduction of an element of community access to, and use of, the MUGA. This would help to compensate for the loss of the swimming pool identified above. Policy DM9 supports new community facilities subject to three criteria, and it is considered that community use of the MUGA has the potential to meet these requirements. However, further information relating to for example the proposed frequency and hours of

community access would be necessary to ensure that the amenity of nearby residents on Ainsworth Avenue and Ainsworth Close is not unduly affected. This can be secured by condition as part of a Management Plan.

- 9.11. On this basis, the scheme is considered acceptable in principle.

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".

Proposed demolition

- 9.14. There is no objection to the proposed demolition works from a design or Heritage standpoint. The buildings and extensions to be demolished generally hold no heritage significance and detract from the main listed building and its setting. The only partial exception is the pool itself within the swimming pool enclosure. This is believed to be the original late 19th century pool, albeit much altered, and some original fabric and features may potentially survive. However, its interest is historic only and this can be covered through recording prior to, and during, demolition. A suitably worded condition to this effect is recommended.

Proposed new buildings

- 9.15. The proposals would increase the overall built footprint on site, however the proposals also provide an opportunity for the replacement of the existing buildings with elements that respond better to the historic context of the site.

Extension to Ovingdean Wing

- 9.16. This part of the proposals would be comprised of several elements, including the primary three-storey wing and two connecting two-storey elements at each end linking back with the retained/existing buildings. These parts would comprise teaching space, communal areas and accommodation. There would be a sports hall (reaching to three-storeys in height) as well as a single-storey dining area contained within this envelope. There would also be an open courtyard space.
- 9.17. The footprint of the new main wing and connecting elements would be suitably set back from the front elevation of the listed building and would appear suitably subservient. In terms of height and massing this element is considered appropriate, stepping down to the southeast frontage.
- 9.18. From Ovingdean Road (northeast), the new main building would be a bolder, more prominent feature but would demonstrate a much higher standard of

design than the existing arrangement, comprising extensive clay-tiled roofing. The building line to Ovingdean Road has responded to preapplication feedback and is set further back than existing to align with the late 19th century block. This enables the historic flint wall, of which parts remain, to be reinstated on its original line (subject to details recommended to be secured by condition). From Ovingdean Road it is considered that in these respects the development would clearly enhance the character and appearance of the conservation area and have a minor beneficial impact on the settings of the listed building on the opposite side of the road.

- 9.19. The form of the proposed extensions are considered to appropriately reflect the rural local vernacular particularly in respect of the long unbroken tiled hipped roofs, whilst not resorting to pastiche. Fenestration would demonstrate strong consistency and rhythm. The proposed materials (predominantly brick and clay tiles) are appropriate, subject to further details by condition.
- 9.20. The sports hall would present a different character, by its nature being a larger, more rectangular block with minimal articulation. The proposed material finish of the sports hall would also be different, comprising profiled cladding panels. However, due to its location contained within the site and building envelope means that it would not be readily apparent from outside the site, its roofline just glimpsed in long views. From close views within the site its scale and form would have some negative impact on the setting of listed building, but this setting has already been greatly compromised in those near views.

New accommodation block

- 9.21. The proposed accommodation block would be a substantial increase in footprint and scale relative to the two existing buildings to be replaced. The visual impact of this part of the scheme would be increased due to its siting on higher ground than the other parts of the proposals.
- 9.22. However, in accordance with the views of the Heritage consultee it is considered that this increase in scale and footprint can be comfortably accommodated within the site, at least from a design and heritage perspective. The proposed building itself is considered to demonstrate a significantly higher standard of design than the existing buildings. Similar to the proposed extension, its hipped form and material finish of brick and clay tiles would reflect the rural local vernacular, and its fenestration would demonstrate a high level of consistency and rhythm.

MUGA

- 9.23. The relocation of the MUGA is a significant heritage benefit of the proposals and would enhance the setting of the listed building in all of its principal views, particularly with the proposed new trees and other planting that replace its south east end.
- 9.24. In its new location the MUGA would be visible in long public views from Cattle Hill. This would cause some harm to the appearance of the conservation area, but overall it is considered that this is the least harmful location possible. Its impact could be mitigated by ensuring that the surface is green colour, that the

fencing is dark green and that the floodlights are kept to the minimum height necessary. These matters could be controlled by condition.

Conclusion

- 9.25. Accordingly, it is considered that the proposals are acceptable in terms of design, appearance and heritage. The proposed buildings do represent a significant increase in the scale and footprint of built form on site, however their high standard of design and sympathetic siting, together with the relocation of the MUGA to a less prominent location, is considered to result in a net benefit to the appearance of the site, an enhancement of the character and appearance of the Conservation Area and an enhancement to the setting of the main listed building. Subject to the recommended conditions, no conflict with Policies CP12, CP15, DM18, DM26, DM27 and DM29 is identified.

Landscape:

- 9.26. The site is visible in long views from the surrounding hills, which includes areas within the South Downs National Park.
- 9.27. The application includes a Landscape Visual Impact Assessment (LVIA), which assesses the proposal's visual impact, and impact on the landscape from a number of identified key views and includes computer generated visualisations of the scheme.
- 9.28. The LVIA concludes that the proposed development would overall have a positive impact on both visual amenity and landscape. Officers agree with this conclusion. Some harm is identified as arising in View 1 (from the entrance drive from Greenways), however this harm is minor and it is acknowledged that the views from the entrance drive would be transient and unfolding rather than static, thereby limiting the impact. Any minor harm would be outweighed by the benefit of the scheme to the landscape and historic features of the area, and visual amenity of those living nearby.
- 9.29. In terms of landscaping within the site, the application includes a Landscape Design Report (LDR) and masterplan indicatively outlining this aspect of the proposals. The proposals include hard and soft landscaping elements and lighting, and demonstrate consideration of strategy for moving through the site and the uses of different areas. The LDR is considered broadly acceptable in principle. Full details of the final landscaping scheme is recommended to be secured by condition.

Arboriculture:

- 9.30. The site is covered by a Tree Preservation Order (TPO) and is located within a Conservation Area.
- 9.31. The application includes an Arboricultural Constraints Plan (ACP), a Tree Protection Plan (TPP) and a Landscape Design Report (LDR).
- 9.32. These documents identify that the proposals would require the removal of a number of trees (eleven individual, one group of mixed species). However, in accordance with the views of the Council's Arboriculture Officer it is considered

that these trees are in general of poor quality and will have minimal impact upon current amenity. Of those to be removed, T6 (on the northern boundary of the site between the proposed accommodation block and 2 Woodland Walk) is the only Category B (or higher) tree. The loss of this tree is considered acceptable from an Arboriculture perspective due to the likely future pressure from the existing and proposed buildings in close proximity to it.

- 9.33. The proposed tree protection measures and recommendations for post amelioration works are considered acceptable. The mitigation landscaping outlined in the LDR is considered suitable in principle.
- 9.34. Subject to the recommended conditions securing the above, no objection is raised to the arboriculture impact of the scheme.

Impact on Amenity:

- 9.35. 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.
- 9.36. The demolition of the buildings will need to be subject to the management of noise and disturbance during the demolition works to minimise disturbance for local residents, as well as appropriate disposal of spoil and rubble. A Demolition Management Plan (DMP) and Site Waste Management Plan (SWMP) can be secured by condition to address these concerns.
- 9.37. A Construction Environmental Management Plan (CEMP) is also recommended to be secured by condition to address the potential for noise and disturbance during construction works.
- 9.38. In terms of noise arising from general activity on site post-development, it is recognised that the increase in pupil numbers and reoccupation of the school site will be likely to result in an increase in this regard. However, it is considered that any such increase is unlikely to be significant in the context of the site as a whole and its lawful use as an educational facility. Planning permission is not required for this use to restart or to increase the number of pupils on site, and the application is therefore not resisted on these grounds.
- 9.39. The application includes a Noise Impact Assessment (NIA) to assess noise associated from the proposed new plant (such as air source heat pumps). The NIA identifies measures such as acoustic louvres to minimise noise in this respect. Conditions are recommended to secure these measures and to limit the noise from the plant as perceived at the nearest sensitive receptor.
- 9.40. The relocation of the MUGA would bring this source of activity closer to sensitive neighbours on Ainsworth Avenue and Ainsworth Close (approximately 40m distant to the closest point). There is the potential for some harmful impact upon the amenity of residents of these dwellings. This is even more the case given the proposed introduction of community access to the MUGA. To mitigate for this, noise mitigation measures are recommended to be secured, for example

noise dampeners for the fencing. Restrictions on the hours of use of the MUGA, and the arrangements for community access including a noise management plan, are recommended to be secured by condition to address this.

- 9.41. The proposed floodlighting also has the potential to result in harm for neighbours due to light spill and glare. A condition is recommended to secure full details of the floodlights including operating hours, and light spill drawings to ensure any impact is within acceptable limits. This would also address potential concerns regarding impact upon the SDNP dark skies policy.
- 9.42. The existing vegetation screening on the boundary would further assist in mitigating the impact in terms of noise and light spill. Access to the rear (north) of the accommodation block would be for maintenance purposes only and this can be secured by condition.
- 9.43. In terms of overshadowing and sense of enclosure, whilst the proposed buildings are larger than those currently existing on-site, it is considered unlikely for there to be, in the main, a significant increase in overshadowing or sense of enclosure for neighbours. The proposals are generally well-contained within the site and, with the exception of the property at 2 Woodland Walk, set some distance from the nearest sensitive neighbour. Notwithstanding this, the northern part of the proposed extension to the Ovingdean Wing would be likely to result in some impact upon 'Flints', 'The Cot' and 'The Nook' on Ovingdean Road.
- 9.44. Another notable exception would be the new accommodation block, which would be located approximately 10m (at the closest point) from the neighbouring dwelling at 2 Woodland Walk. This compares to a distance of 11m for the existing building in this location. Furthermore, the proposed block would be taller and substantially broader than the existing block with an eaves height of 7.8m compared to 5.3m, however this is to some extent compensated for by the proposed building being set 2m down into the hillside. 2 Woodland Walk is orientated directly to the north of the proposed block, albeit there exists (and is proposed) substantial vegetation to this boundary.
- 9.45. Nevertheless, this element of the proposals is considered likely to have some harmful impact upon the amenity of occupiers of 2 Woodland Walk by way of overshadowing and overbearing impact, both to primary windows and the outdoor amenity areas. Other neighbours at numbers 1-5 Woodland Way would also likely be affected, however to a less significant degree given the increased separation distances and respective orientations of each neighbour.
- 9.46. The application includes a Sunlight and Daylight Assessment (S&DA) within which the impact upon these neighbouring dwellings was quantified. The S&DA found that, whilst there would be a reduction in sunlight and daylight as a result of the proposal, this reduction would not exceed the allowances set out within BRE guidance and would therefore be unlikely to result in a significant harmful impact.
- 9.47. In terms of overlooking, the proposed accommodation block would include windows facing outwards towards neighbours on Woodland Walk. Whilst the

existing accommodation blocks do include north facing windows, the proposal would significantly increase the number of windows facing northwards towards the neighbours, as well as at a higher storey level.

- 9.48. Notwithstanding this, the design of the proposed block has taken overlooking into account. The proposed windows above ground floor would be comprised of three parts - two parts would be oriel-style windows with panels set at a 45-degree angle to the building façade. This angling would direct views away from the neighbouring dwellings, and one of the panels would not be glazed. The final part of the window would be a glazing panel flush with the façade, fitted with exterior slats to allow in light but minimise outlook.
- 9.49. This, together with the existing and proposed boundary treatment comprising trees and native hedgerows, is considered to mitigate the resultant harm to an acceptable degree.
- 9.50. Accordingly, whilst it is recognised that there would be some degree of harmful impact upon some neighbouring dwellings, it is considered that this harm would not be to such a significant extent as to outweigh the benefits of the scheme or to warrant refusal of the application.

Ecology:

- 9.51. Whilst the area of the site proposed for development is not designated for its nature conservation interest, Ovingdean School Grounds Local Wildlife Site (LWS) lies within the red line boundary, comprising the eastern half of the school grounds. The Preliminary Ecological Appraisal (PEA) has been amended to acknowledge the presence of the LWS, and proposes habitat enhancements within it.
- 9.52. The proposed development will result in the loss of some modified (amenity) grassland, buildings (to be replaced), hardstanding, introduced shrub and small areas of ruderal/ephemeral vegetation. Habitat loss is to be compensated through the creation of 1000sqm of wildflower meadow, which is supported.
- 9.53. Concerns were initially raised regarding the methodology and dates of the bat surveys provided with the application. An additional survey was undertaken in accordance with best practice and found no evidence of roosting bats, and low bat activity.
- 9.54. The habitat to be impacted by the MUGA (amenity grassland) is sub-optimal for foraging bats, but offers some potential for commuting. The updated PEA and Bat Report therefore recommend a sensitive lighting scheme including restricting the use of lighting to the winter, only using lighting on the east side (facing to the west) to avoid any light spill onto the woodland in the southeast, and to follow best practice guidance with respect to reducing the impacts of lighting on bats. These recommendations are supported. It is recommended that full details are required by condition in a Lighting Design Strategy.

- 9.55. In accordance with the comments of the County Ecologist, a Biodiversity Method Statement (BMS) is recommended to be secured by condition to address best practice matters relating to badgers and reptiles.
- 9.56. Biodiversity Net Gain (BNG) is mandatory for Major developments in Brighton & Hove, and the proposal includes BNG through the provision of tree planting, and the creation of a hedgerow. Whilst the County Ecology has raised concerns with some parts of the submitted Metric, they are nevertheless satisfied that the proposal can achieve more than the 10% BNG that is required. Full details of the BNG proposals and how these will be managed and monitored is recommended to be secured by condition. A sum of £12,250 will also be secured by legal agreement to cover Council expenses involved in reviewing the monitoring of the BNG over the next 30 years.
- 9.57. Bee bricks and seventy (70) swift bricks are recommended to be secured by condition to further improve ecology outcomes on site. These are included within the BNG calculations.

Archaeology:

- 9.58. The site is only partially within an Archaeological Notification Area (ANA), however the boundaries of ANAs are not definitive limits to the presence of archaeological interest and significance.
- 9.59. An Archaeological desk-based assessment submitted as part of this application has reviewed the available archaeological evidence in the vicinity of the site, concluding that the site has a high potential to contain evidence for prehistoric activity and post-medieval activity associated with the existing late 18th century house, and a moderate potential to contain evidence for Roman, Anglo-Saxon and medieval activity. The County Archaeologist has reviewed this report and concurs with its findings.
- 9.60. It is therefore considered necessary to secure a programme of archaeological works to either preserve or record any archaeological deposits or features that would be impacted by the development.
- 9.61. The applicant has proactively engaged with the County Archaeologist and has pre-emptively agreed the scope of these works, set out within the Written Scheme of Investigation (WSI) dated July 2023. Archaeological investigations have since commenced on site with the agreement of the County Archaeologist, and this is considered not to be inappropriate.
- 9.62. The scope of the recording of the swimming pool through a Historic Building Record has similarly been pre-emptively agreed with the County Archaeologist in July 2023.
- 9.63. Continued compliance, including the submission of any findings, with these WSIs is recommended to be secured by condition.

Flooding and Drainage:

- 9.64. The site is located within Flood Zone 1 and is therefore at a low risk of flooding.

- 9.65. However, the proposed increase in impermeable footprint has the potential to increase the risk of surface water run-off flooding.
- 9.66. The application includes a Flood Risk Assessment and Drainage Strategy. Following the initial comments of the Council's Flood Risk Manager, further information relating to drainage was provided in the form of a Sustainable Drainage Maintenance Plan and Flood Risk and Drainage Addendum.
- 9.67. The scheme includes sustainable drainage features such as generous soft landscaping and permeable paving. A preliminary drainage proposal for the relocated MUGA has been provided and is acceptable in principle. The applicant has also confirmed that sewer defects identified within the submission are to be addressed during works, and that the peak foul discharge rate is 9.02l/s which is within acceptable limits.
- 9.68. The Council's Flood Risk Manager has confirmed that their initial concerns have been addressed, and on this basis and subject to the recommended conditions it is considered that the proposals would not give rise to an unacceptable risk of flooding. Final drainage plans and details of maintenance and management can be secured by condition.

Standard of Accommodation:

- 9.69. Whilst the proposal does not constitute University-level student accommodation, it is considered that as on-site educational boarding rooms would be provided, the requirements of Policy DM8 would have some relevance to the scheme.
- 9.70. Each proposed student room would provide sufficient space for living and studying, would be served by a window providing access to natural light and outlook, and would have an en-suite w/c. The 118 proposed single rooms would range from 7-8sqm in area, with the 26 twin rooms typically 13sqm in area (excluding the en-suite w/c in both cases). Occupants would have access to common rooms for socialisation, and the landscaped grounds of the site provide generous outdoor amenity areas. There would be "house parent" flats and boarding assistant flats on each floor.
- 9.71. The proposals are therefore considered acceptable in terms of the standard of accommodation provided.

Sustainable Transport:

- 9.72. There is likely to be an increase in trip generation as a result of the development, with an increase in pupil capacity to 500, an increase of some 100 over the capacity of the previous school on the site.
- 9.73. The application however includes a Transport Statement analysing the likely impact of the development in terms of transport and highways.
- 9.74. The site is not particularly well located for sustainable transport modes. Bus route 56 does connect Ovingdean with the city and surrounding towns, however

this is an hourly service. Ovingdean is not served by a rail link, and the surrounding roads do not have segregated cycle lanes.

- 9.75. Nevertheless, it is recognised that this is the existing arrangement, and that neither the use of the site as a school or the increase in pupil numbers requires planning permission. Whilst regrettable, this is therefore considered not to warrant refusal of the application. It is noted that Highway Officers have requested further detail regarding trip generation, but this is not considered warranted given there would be only 100 day pupils on the site, so vehicle movements would be focused around drop-off/pick-up days at term start/end.
- 9.76. It is understood that minibuses would be arranged to collect some of the day pupils, but as noted, numbers would be limited. Given the limited scale of such movements, it is not considered to be reasonable or necessary to secure details of this minibus service by legal agreement as has been requested by Highway Officers (such as frequency, routes, and forecast addresses of pupils).
- 9.77. No new vehicle or pedestrian entrances to the site are proposed. Vehicle access is possible from Greenways at the southeast corner of the site, and from Ovingdean Road at the northwest. Pedestrian access is also possible from a gate on Longhill Road.
- 9.78. Fifty on-site car parking spaces are proposed (retained as existing). Fifty cycle parking spaces are also proposed for staff and students. The proposed car parking is in accordance with SPD14 maximum standards, however the proposed cycle parking is below SPD14 minimum standards. A Car Park Layout and Management Plan has been requested by the Transport consultee to secure details of disabled parking spaces and the management of the on-site car parking spaces, and this can be secured by condition.
- 9.79. In this case, however, it is accepted that the nature of the proposal as a boarding school would result in different travel patterns to a typical day school. A lower amount of cycle parking is therefore considered acceptable at this stage, however in accordance with the views of the Transport consultee this should be reviewed as part of the Travel Plan for the site. Full details of the proposed cycle parking is recommended to be secured by condition, as are details of the car park layout and management to ensure use of allocated bays only, and by authorised personnel. This can also secure details of EV charging points and disabled parking.
- 9.80. A Travel Plan has been requested by the Transport consultee. It is noted that a Travel Plan aimed at the wider 'Phase 2' development has already been approved as part of a 'Phase 1' application (BH2023/01132, discharged under BH2023/01803). However, in their comments in relation to this earlier Travel Plan, the Transport consultee was clear in their comments that they were only considering it in the context of the earlier application and reserved their position in it being sufficient for the application now before the LPA. There is therefore more work for them to do in relation to the site wide development now being proposed and they will have both to re-assess and monitor the Travel Plan for several years. It is therefore considered reasonable and necessary to secure a

Travel Plan by condition as part of this application, and to secure monitoring fees of £8,404.80 by legal agreement. The Travel Plan should also include the MUGA and its proposed external community use.

- 9.81. On this basis, subject to the recommended conditions it is considered that the proposals are unlikely to result in a severe highways impact and is acceptable in terms of transport.
- 9.82. The comments of the Transport consultee with regard to the footways within the site are acknowledged, however as per the above where this is the existing arrangement it is considered not to be necessary or reasonable to secure improvements.

Sustainability:

- 9.83. The proposal demonstrates consideration of sustainability measures such as low carbon and renewable energy sources.
- 9.84. Policy CP8 requires a BREEAM rating of 'excellent' and this is recommended to be secured by condition. Policy DM44 requires at least a 27% improvement on the carbon emission targets set by Part L of the Building Regulations, and an EPC rating of 'B' to be achieved.
- 9.85. The proposals include measures such as Air Source Heat Pumps (ASHPs) and PV panels which are supported in principle.
- 9.86. An Energy Statement in accordance with Policy DM44 is recommended to be secured by condition.

Other Considerations:

- 9.87. An Employment & Training Strategy and a financial contribution of £35,150 towards the Local Employment Scheme are to be secured by legal agreement.
- 9.88. The development does not meet the threshold for a contribution towards an artistic component.

Section 106 Heads of Terms:

Biodiversity Net Gain

- A contribution of £12,250 towards the long-term monitoring of Biodiversity Net Gain proposals over a 30 year period.

Transport

- A Travel Plan and an accompanying Monitoring fee of £8,404.80

Employment and Training

- A contribution of £35,150 towards the Brighton & Hove Local Employment Scheme
- Employment and Training Strategies for both demolition and construction demonstrating a minimum percentage of 20% local employment

Conclusion:

- 9.89. The proposal is considered acceptable in principle, reinvigorating the established educational use of the site with improved and enhanced facilities such as new classrooms, science laboratories and a new sports hall. The loss of the swimming pool is regrettable, however the new sports hall is considered to compensate for this in terms of the facilities available to pupils. The historic use of the swimming pool by swim schools ceased some five years ago and is therefore given limited weight. The introduction of external use of the MUGA is welcomed as a new community facility.
- 9.90. No objection is raised to the proposed demolition, with the buildings to be lost generally holding little or no historic significance. A condition is recommended to secure suitable recording of the swimming pool itself as this does hold some interest.
- 9.91. The proposed buildings are considered to demonstrate a high standard of design and would make a positive contribution to the site, enhancing the character of the Ovingdean Conservation Area and the setting of the listed buildings on site.
- 9.92. Whilst some harm to neighbouring amenity is likely to result due to the increased scale of the proposed accommodation block compared to the existing buildings, and the proposed siting of the relocated MUGA. However, subject to the recommended conditions it is considered that this impact would not be so significant as to outweigh the above benefits or to justify refusal of the application.
- 9.93. Matters relating to archaeology, arboriculture, drainage, ecology, lighting and transport are considered acceptable subject to the recommended conditions.
- 9.94. A Travel Plan and Employment & Training Strategy, as well as financial contributions towards BNG and Travel Plan monitoring and the Brighton and Hove Local Employment Scheme are to be secured by legal agreement.
- 9.95. The application is therefore recommended for approval.

10. EQUALITIES

- 10.1. The proposals would represent an improvement in the accessibility and inclusivity of the site. The proposed new buildings have been designed to comply with Part M of the Building Regulations, with new passenger lifts in the extension and the boarding block. Disabled parking is to be provided on site. Site levels falls to the west and the proposed landscaping plan indicates consideration of the minimisation of gradients, with full details to be secured by condition.

11. S106 AGREEMENT

- 11.1. In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

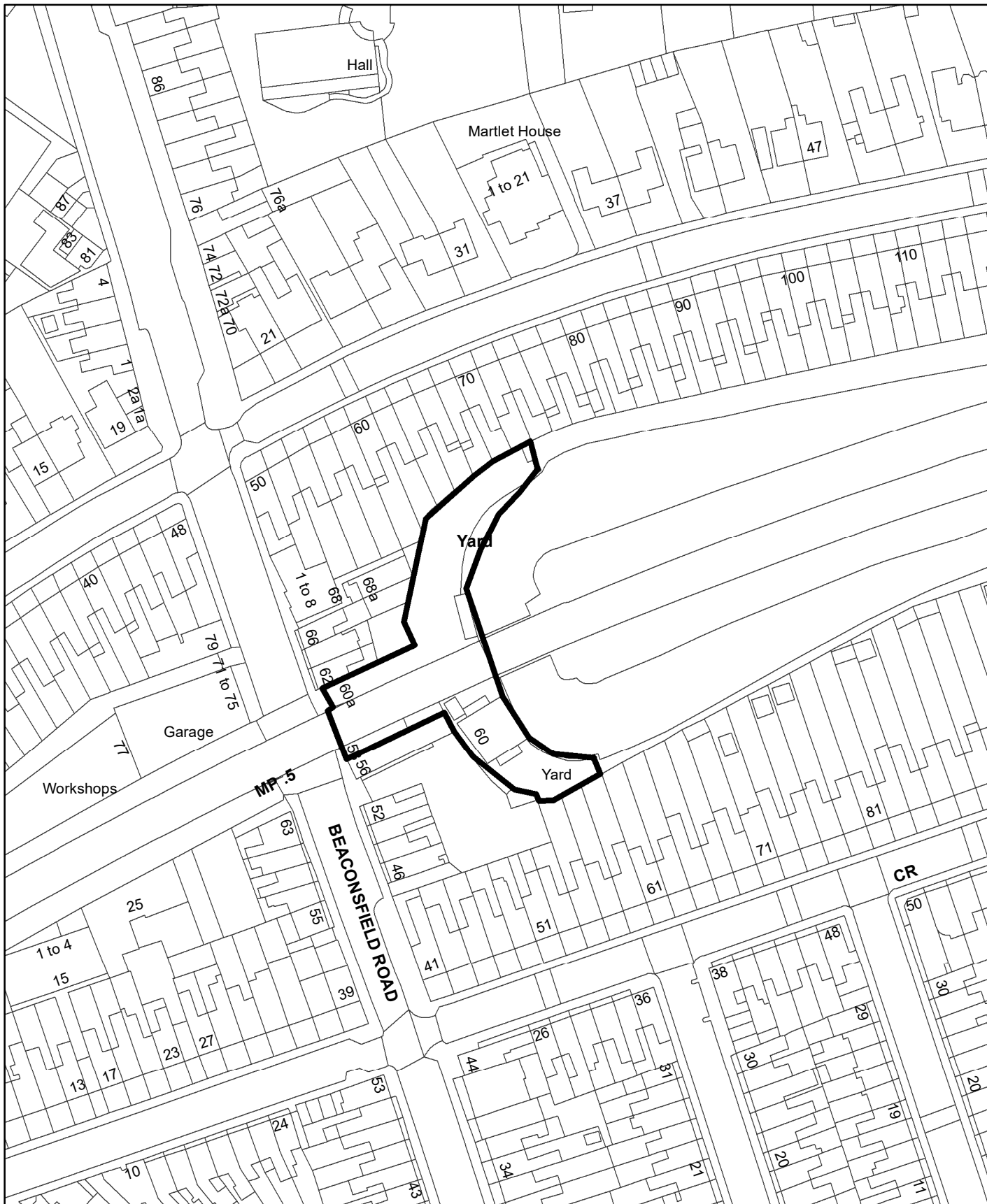
1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policy CP9 of the Brighton & Hove City Plan Part One.
4. The proposed development fails to provide a financial contribution towards the monitoring of the Travel Plan, to ensure its aims and objectives are being met and the measured included updated as may be necessary, contrary to policy CP9 of the Brighton & Hove City Plan Part One.
5. The proposed development fails to provide a financial contribution towards the monitoring of Biodiversity Net Gain on site to ensure that the measures are successful in the long term and to comply with policies CP10 of the Brighton & Hove City Plan Part One and policy DM37 of the Brighton & Hove City Plan Part Two.

ITEM C

**58-60 Beaconsfield Road
BH2023/01186
Full Planning**

DATE OF COMMITTEE: 1st November 2023

BH2023 01186 - 58-60 Beaconsfield Road



Scale: 1:1,250

<u>No:</u>	BH2023/01186	<u>Ward:</u>	Round Hill Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	58-60 Beaconsfield Road Brighton BN1 4QJ		
<u>Proposal:</u>	Change of use from builders merchant premises (Sui Generis) to vehicle rental premises (Sui Generis), including partial demolition of existing structures, installation of rental vehicle wash bay, amended fascia to existing shopfront, parking and associated works.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	23.05.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	18.07.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Planning Prospects Ltd 4 Mill Pool Nash Lane Belbroughton DY9 9AF		
<u>Applicant:</u>	Enterprise Rent-A-Car UK Ltd C/o Planning Prospects Ltd 4 Mill Pool Nash Lane Belbroughton DY9 9AF		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	E104	V3	6 October 2023
Proposed Drawing	D104		23 May 2023
Proposed Drawing	D106	V3	18 August 2023
Proposed Drawing	L102	V2	14 September 2023
Proposed Drawing	715.001	D	18 October 2023
Location Plan	001	V2	4 July 2023
Report/Statement	Activity Noise Assessment	23-10729 Rev B	17 October 2023
Report/Statement	Planning and Heritage Statement		21 April 2023
Report/Statement	Transport Statement		21 March 2023
Report/Statement	Heritage Statement		21 July 2023

Report/Statement	Phase One Environmental Assessment Report	EN23138 CI 001b	18 August 2023
Detail	XXXXXX-HCA-23-XX-DR-E-0101	P01	14 September 2023
Report/Statement	XXXXXX-HCA-23-XX-RP-E-0001	P02	18 September 2023
Proposed Drawing	E103	V3	6 October 2023
Proposed Drawing	0731-TR-0003	P3	25 September 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. All ecological measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Habitat (Ecology) - Survey Report (Ecology Link, 25 July 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

4. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, to include provision of landscape/buffer planting to the equivalent value of at least 0.13 Biodiversity Units in the current version of the Defra Biodiversity Metric and two bat, five swift and three insect bricks/boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.

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

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

6. 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. They shall include:

1. The phases (if applicable) of the development hereby permitted, including the forecasted completion date
2. A scheme setting out 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
3. Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway
4. Details of hours of demolition and construction including all associated vehicular movements
5. Details of the demolition and construction compound
6. A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these
7. Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services and provide for their continued operation during the works
8. Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it
9. Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site
10. Details of employee and contractor parking

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

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

7. The development hereby permitted shall not be commenced until details of a scheme of internal signage, warning drivers of passing pedestrians on the public highway have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety and to comply with policies DM33 and CP9 of the City Plan.

8. The proposed lighting for the vehicle rental use hereby approved, shall only be operated in accordance with the approved details including the Lighting and Boundary Treatment Plan L102 V2, received 14th September 2023; External Lighting Report (XXXXXX-HCA-23-XX-RP-E-0001 Rev P02), received 18th September 2023 and External Lighting Proposed Layout, Holophane Scheme (XXXXXX-HCA-23-XX-DR-E-0101 Rev P01), received 14th September 2023.
Reason: This is to ensure that the lighting is not excessive for the required purposes and that the impacts on adjacent occupiers and the neighbouring wildlife, including the London Road Local Wildlife Site is kept to a minimum and to comply with policies DM20, DM37 and DM40 of the Brighton and Hove City Plan Part Two.

9. The development hereby approved shall be carried out in accordance with the recommendations of the Phase One Environmental Assessment Report (Preliminary Risk Assessment), ref EN23138 CL001b, received 18th August 2023.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

10. The use hereby permitted shall not be carried out except between the hours of 08:00 and 18:30 on Mondays to Fridays, 09.00 to 17.00 on Saturdays and 10.00 and 17.00 on Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

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 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. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on the Environment Agency website.

3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. To be in line with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for Sheffield type stands to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
5. The applicant is advised that Network Rail have commented on the application owing to the close proximity to the railway. Network Rail have supplied their suggested informatives from their Asset Management Team. The applicant is advised to take note of these and direct any questions to Network Rail using the contact details on their consultee response on the planning register where they will find a copy of the Network Rail response in full.

2. SITE LOCATION

- 2.1. The application site is a shopfront with builders' yard to the rear, located on the eastern side of Beaconsfield Road. The yard area is crescent shaped, curving around on land underneath the railway viaduct, with vehicular access provided to the north of the former showroom unit at 58 Beaconsfield Road, and south of 62 Beaconsfield Road, now in use as a public house but previously forming part of the builders' yard use.
- 2.2. The last use of the application site as a builders' yard ended in 2021, with the site remaining vacant since.
- 2.3. The yard area backs on to the rear gardens of the properties on Springfield Road and Ditchling Rise, with London Road Local Wildlife Site adjoining the application site, to the east, below the viaduct.
- 2.4. The site includes the railway arches of the Grade II listed railway viaduct, with the north eastern edge of the site falling within the Preston Park Conservation Area. The site is covered by a Tree Preservation Order (TPO).

3. APPLICATION DESCRIPTION

- 3.1. The application seeks planning permission for the change of use of the site from a builders' merchant (sui generis) to a vehicle rental premises (sui generis), with refurbishment of the existing showroom fronting Beaconsfield Road and associated alterations to the site.

4. RELEVANT HISTORY

- 4.1. **BH2023/01187** - Display of non-illuminated fascia signs and wall mounted signs.
Under Consideration

58 Beaconsfield Road

BN74/1911 - Alterations to existing builders merchant premises.

5. REPRESENTATIONS

- 5.1. One-hundred and sixty-six (166) letters have been received, objecting to the proposed development for the following reasons:
- Adversely affects conservation area.
 - Impact on local residents through increased noise and disturbance (including from jet wash), air quality, loss of light and outlook
 - Overdevelopment, poor design,
 - Light pollution - impacts on residents and wildlife
 - Car parking layout inappropriate as there is inadequate room for cars to manoeuvre, and no footpaths for pedestrians.
 - No footpaths within the curtilage for pedestrians to safely navigate
 - Opening hours are too long
 - Security risks for adjacent homes
 - Use would not enhance the area – lack of benefit.
 - Increased traffic and congestion, highway safety impacts.
 - No engagement from the applicant with the community
 - Impact on garden walls and trees.
 - Increased ground pollution from vehicles
 - Damaging to trees in neighbouring gardens
 - Increased use of water as part of the use
 - Detrimental to safety of customers using BRZN Arms (including disabled access) and would prevent pop-ups in rear garden.
 - Adverse effect on listed building
 - Lack of adequate consultation
 - The current use as brownfield has not been demonstrated
 - Demolition is not necessary
 - Impact on bats
- 5.2. Objections were raised in relation to impacts on existing businesses, views, and property value but these are not material planning considerations.
- 5.3. One (1) letter has been received, supporting the proposed development for the following reasons:
- Site would return to a trade use with more satisfactory opening hours
 - BRZN Arms has been more disturbing than Travis Perkins was
- 5.4. **Caroline Lucas MP** has objected to the proposal, a copy of their response is attached to this report.

6. CONSULTATIONS

Internal:

6.1. **Environmental Health:** No objection

The application has been reviewed by the Environmental Health Officer, their full responses can be read on the planning register. The Environmental Health Officer has reviewed the reports provided in relation to contamination, noise and reviewed the lighting details. Subject to appropriate compliance conditions there is no objection to the proposal. It has also been suggested that opening hours are secured by condition.

6.2. **Heritage:** No objection

The Heritage Statement states that "the proposals will not alter the neutral contribution the site". The existing proposal has a negative contribution to the character of the site while the proposed development will have the same level of negative contribution to the site and the conservation area and so the proposal will not increase the harm caused to the listed buildings or conservation area. The removal of existing buildings on the site will have no impact on the listed building provided care is taken to ensure that removal does not require demolition methods and machinery that causes any harm to the fabric of the listed viaduct.

6.3. Following the above comments further amendments were made and a verbal comment from the Heritage Officer confirmed that if the existing shopfront design is retained with any new windows and doors being timber and matching the existing design and the fascia is amended to retain the corbels within the signage then the application can be supported.

6.4. **Sustainable Transport:** No objection

The proposals have been found acceptable, subject to the following conditions and obligations:

- Signage, warning drivers of passing pedestrians on the public highway.
- Cycle Parking is secured
- CEMP

External:

6.5. **Ecology:** No objection

The submitted Ecology Report is considered acceptable and the measures contained within the report should be actioned.

6.6. Ecology have also considered the lighting arrangements for the site and have confirmed that the design and luminance on the latest plans would not be of significant concern. Conditions are recommended to ensure that development is carried out in accordance with the submitted documentation with regard to ecology.

6.7. **Network Rail:** No objection

Network Rail have responded to the consultation letter and not raised any specific concerns.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM23	Shopfronts
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage

Supplementary Planning Documents:

SPD09	Architectural Features
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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 use, the design and appearance of the proposals including the impact on heritage assets, impact on neighbouring amenity, transport and highway safety, ecology and sustainability.

Principle of the Development:

- 9.2. As already noted, the site was previously in use as a builders' yard but has been vacant since December 2021. The site previously included 62 Beaconsfield Road which is now in separate use as a public house, albeit not yet authorised in planning terms, but not forming part of the present application.
- 9.3. It is stated within the planning application that the proposed car hire use would provide employment for 10-11 people which is welcomed as a means of bringing this commercial site back into use.
- 9.4. The proposal would make use of brownfield land within a well-connected location in the city which will ensure that the site continues to provide employment. It is also noted that vehicle rental would have the potential to encourage people to utilise sharing of motor vehicles rather than owning them which could contribute to higher rates of sustainable travel and lower car ownership.
- 9.5. The principle of the change of use is acceptable and is considered to accord with polices CP2, CP3 and CP9 of the City Plan Part One.

Design and Appearance:

- 9.6. As existing, the site comprises a shopfront under the railway arch, a shared vehicle access for the site and neighbour at 62 Beaconsfield Road and several storage structures in and around the arches of the Viaduct.
- 9.7. Initially, the applicant sought a more modern shopfront design making minor amendments to the fascia.
- 9.8. Following heritage concerns the applicant has decided to retain the existing shopfront design and alter the proposed fascia/signage to retain the corbels of the shopfront (the advertising signage is assessed separately under BH2023/01187).
- 9.9. The applicant was asked to consider inclusive access as part of the design which has been achieved by utilising a side entrance from the access road and an amended internal layout which facilitate use by those with mobility issues.

- 9.10. A number of existing structures would be removed from the site, but an additional structure would be installed to provide an enclosed area for the jet-washing of vehicles. The structure would be up to a maximum of 2.45m in height, constructed in metal with a pitched roof and one open side. In conjunction with the removal of existing structures it would have a neutral impact on the appearance and character of the site, and would have limited impact off site.
- 9.11. A 2m timber close boarded fence is proposed to replace the existing mesh fence on the boundary abutting the gardens on Springfield Road. It is noted that these works could be undertaken under 'permitted development' rights but are also considered acceptable in respect of their design and appearance, particularly noting the existing fencing on site.
- 9.12. Overall, the design and appearance of the proposals are considered appropriate for the mixed commercial use of Beaconsfield Road and to accord with policies CP12 of the City Plan Part One and DM21 of the City Plan Part Two.

Impact on Listed Viaduct and Preston Park Conservation Area:

- 9.13. 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.
- 9.14. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.15. As noted earlier in this report the site contains grade II listed railway arches, and a small part of the site falls within the Preston Park Conservation Area. This is the north-east section adjoining gardens of Springfield Road and the south west section where the site would adjoin gardens of properties on Ditchling Road.
- 9.16. Heritage Officers raise no objection subject to the retention and restoration of the existing shopfront fronting Beaconsfield Road, which has now been incorporated.
- 9.17. It is noted that 'demolition' would occur within the Conservation area as structures associated with the previous builders' merchant use would be removed. The structures are largely free-standing structures, but as some of the structures are under the railway arch, further information is required as part of the CEMP to ensure that the demolition is undertaken in a manner which would not pose a risk to the fabric of the listed Viaduct.
- 9.18. The proposal would not harm the setting of the listed viaduct or the appearance and character of the Preston Park Conservation Area in accordance with policies CP15 of the City Plan Part One and DM26 and DM27 of the City Plan Part Two.

Impact on Amenity:

- 9.19. Policy DM20 of 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.
- 9.20. As noted above the existing lawful use of the site is as a builder's merchants, including deliveries to/from site, retail use, and the storage of materials. The proposed change to vehicle rental unit would result in a reduction in vehicular trip generation overall compared to the builders' merchants, as well as fewer large vehicles and no loading/unloading so is considered beneficial in terms of the noise and disturbance over the permitted use.
- 9.21. The proposed vehicle rental use would have similar weekday opening hours to the builders' yard from Monday to Friday (08.00 to 18.30). However, it is proposed to open from 0900 – 1700 on Saturdays (where the previous use ceased at midday), and 1000 to 1700 on Sundays and Bank Holidays (where the previous use was closed) so this would be an increase in weekend hours.
- 9.22. However, it is noted that there was no restriction on the opening hours of the previous use, so it could have increased to include weekends and Bank Holidays. Further, the applicant has provided a comparative analysis which suggests that Monday to Saturday their proposed hours are similar to the other commercial uses in the immediate area, which is acknowledged.
- 9.23. While it is acknowledged that there would be some additional noise over the weekend in comparison to the previous use given the major road and rail networks forming the immediate setting, and the impact of vehicle movements and the increased hours proposed is not considered so significant as to warrant refusal of the application.
- 9.24. The applicant has provided a Activity Noise Assessment (ANA) which has assessed the proposed use of a car wash bay and compressor. It is noted that the proposed location of the car wash bay would be adjacent to a similar function of a neighbouring business. The proposed car wash bay is located on the southern side of the site and would be closest to residents on the Ditchling Road. The report does set out that it has been completed on the basis of the jet-washer and vacuum being used for 1 hour per day. The Environmental Health Team are satisfied that noise from the operation of the site would be acceptable.
- 9.25. In terms of lighting, 'a Lighting Assessment and Lighting Scheme have been submitted in response to concerns raised by Environmental Health Officers (EHO), who have confirmed that there are no concerns in this regard. This, along with potential contaminated land issues would be secured by condition.
- 9.26. The proposed timber fencing and car wash structure is acceptable in respect of height and siting and would not result in any significant loss of light, outlook or overbearing or enclosing impact to neighbouring residents.

- 9.27. Overall, the proposals, subject to the suggested conditions would not result in a any significant harm to the amenities of adjoining occupiers, in accordance with policies DM20 and DM40 of the City Plan Part Two.

Sustainable Transport:

- 9.28. The proposed change of use from builder" merchant to vehicle rental has been reviewed by the Local Highway Authority (LHA), including the proposed layout of the vehicle parking spaces. Following the LHA response changes to the site boundary were made to exclude the land on the northern side of the accessway off Beaconsfield Road, with updated path analysis, which aimed to demonstrate that the site can operate safely without impeding access for the neighbouring premises.
- 9.29. In response to concerns raised about safety for vehicles entering/leaving the site, signage would be provided warning staff and visitors about the one-way street and probability of pedestrians at the access which would be secured by condition. The impact of the use on highway capacity is also considered acceptable.
- 9.30. In terms of parking on site, as a vehicle rental use, the applicant has supplied a parking layout and a swept path analysis. This has been assessed and the layout found to be acceptable for 22 cars and three vans. It is also noted that there are three parking spaces which are adjacent to the site office (under the railway arch) which are proposed to be used for pick-up/drop off and are therefore outside the main car parking area. The layout is considered acceptable.
- 9.31. Overall, subject to the imposition of the suggested conditions, the proposal is not considered to represent a significant impact to highway safety or significantly impact the operation of the local highway and would therefore accord with polices CP9 City Plan Part One and DM33 of the City Plan Part Two.

Ecology:

- 9.32. The County Ecologist has reviewed the proposals following the submission of a Preliminary Environmental Assessment (PEA). They have also been asked to review the proposed lighting scheme with regard to wildlife, including amendments made during the lifetime of the application.
- 9.33. The proposed vehicle rental unit would be adjacent to the London Road Local Wildlife Site (LWS) and following the most recent lighting proposals County Ecology are satisfied that the proposed lighting would not lead to significant light overspill which would be harmful to the LWS or to the proposed bat habitat set out within the PEA. The lighting scheme is proposed to be controlled by condition to ensure that it operates with regard to the details submitted and that no lighting is left on when the premises are not in use (with the exception of sensor triggered lighting). Additionally, the County Ecologist has requested an Ecological Design Strategy by condition, this is to be provided prior to any works onsite (including demolition).
- 9.34. Therefore, subject to the recommended conditions being attached, the proposal is acceptable in respect of nature conservation and biodiversity and the

proposals would be in accordance with policies CP10 of the City Plan Part One and DM37 of the City Plan Part Two.

10. EQUALITIES

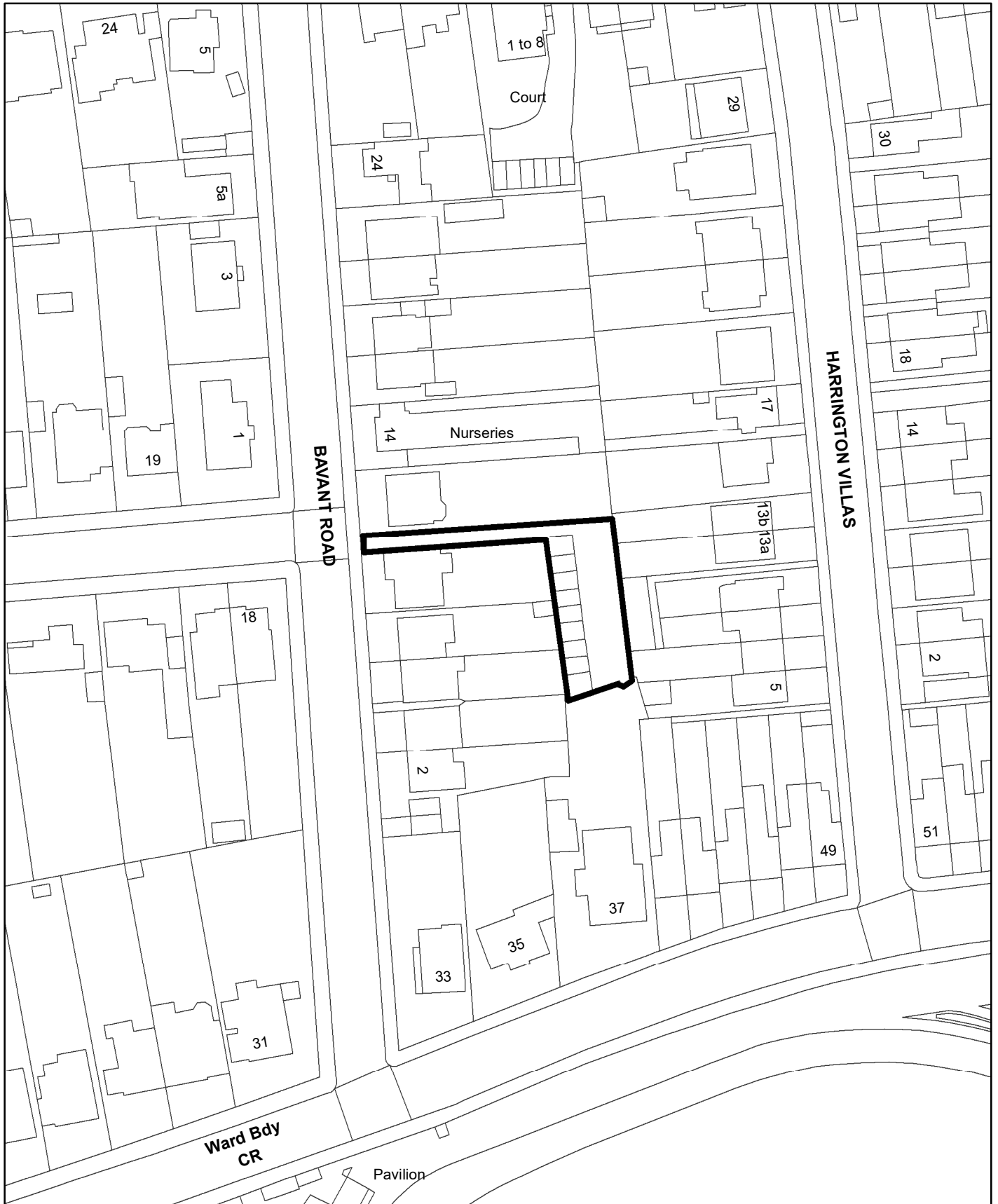
- 10.1. The applicant has indicated a layout for the enterprise shopfront which would allow inclusive access for users and employees which is considered beneficial.
- 10.2. The site boundary was amended during the course of the application to demonstrate that the proposed access to the site would leave sufficient space for disabled access at the neighbouring public house.

ITEM D

**Garages Rear of 10 Bavant Road
BH2023/01799
Full Planning**

DATE OF COMMITTEE: 1st November 2023

BH2023 01799 - Garages Rear Of 10 Bavant Road



N



Scale: 1:997

<u>No:</u>	BH2023/01799	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garages Rear Of 10 Bavant Road Brighton BN1 6RD		
<u>Proposal:</u>	Redevelopment of existing garage block to provide 2no chalet style dwellings (C3). (amended plans received)		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	11.07.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	05.09.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Dowsettmayhew Planning Partnership Place Brighton BN1 4DU	Mocatta House	Trafalgar
<u>Applicant:</u>	Mr Paul Corcut 10 Bavant Road Brighton BN1 6RD		

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	PL07		26 June 2023
Proposed Drawing	PL08	A	7 September 2023
Proposed Drawing	PL09	A	7 September 2023
Proposed Drawing	PL10	A	7 September 2023
Proposed Drawing	PL11	A	7 September 2023
Proposed Drawing	PL12	A	7 September 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. (a) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (i) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;

And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

- (ii) 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+A2:2017;

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,

- (iii) 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.

- (b) 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 3(a)(iii) that any remediation scheme required and approved under the provisions of condition 3(a)(iii) 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:

- (i) built drawings of the implemented scheme;
- (ii) photographs of the remediation works in progress;
- (iii) certificates demonstrating that imported and/or material left in situ is suitable for use.

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

- 4. 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 and near to the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

- 5. 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) Details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Details of all cladding to be used, including details of their treatment to protect against weathering
- c) Details of all hard surfacing materials
- d) Details of the proposed window, door and balcony treatments
- e) 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 DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. 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 has 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 DM18/DM21/DM21/DM27 of Brighton & Hove City Plan Part 2, and CP12/CP15/CP13 of the Brighton & Hove City Plan Part One.

8. Notwithstanding the plans hereby approved, 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.

9. The development hereby permitted shall not be occupied until the redundant vehicle crossover onto Bavant Road has been converted back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, CP9 of the Brighton & Hove City Plan Part One.

10. 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 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.

11. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.

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.

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

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

13. The room labelled as a 'study' on the approved floorplan PL09 rev A received 7th September 2023 shall at no time be used as a primary bedroom.

Reason: To protect the amenity of future occupiers and to comply with Policies DM1 and DM20 of the City Plan Part Two.

14. The rooflights in the side elevations of the development hereby permitted shall be obscure glazed and non-opening and thereafter permanently retained as such.

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

Informatives:

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

2. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
3. 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.
4. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
5. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION

- 2.1. The application relates to a block of nine single-storey garages on a back-land site accessed from Bavant Road. The site adjoins the rear boundaries of properties on Bavant Road, Preston Drove and Harrington Villas. The area is verdant in character, comprising predominantly residential buildings set in spacious plots. There are two nurseries to the north and south of the site.
- 2.2. The site is located within the Preston Park Conservation Area.

3. RELEVANT HISTORY

- 3.1. **BH2022/03434** - Erection of 2no. two storey two bedroom dwellings (C3) with associated landscaping and cycle parking to replace existing garage block. Refused, appeal submitted. The reason for refusal was:
“The proposed dwellings, by reason of their depth and full two-storey scale, would appear as intrusive and incongruous additions to the back-land site, at odds with the character of the area and the type of development that would be expected in this back-land location. In addition, the height, depth and proximity to the site boundaries of the two-storey flank walls would have a harmful impact upon the amenity of neighbouring residents by way of being overbearing and resulting in a degradation of outlook. The proposal is therefore contrary to Policy CP12 of the City Plan Part One and Policies DM18 and DM20 of the City Plan Part Two.”

3.2. **PRE2022/00067** - Proposed development of site with 2 x three-bedroom dwellings Response issued

3.3. **BH2010/02615** - Outline application for the erection of 1no detached three bedroom house and 2no two bedroom semi-detached houses. **Refused, appeal dismissed**

4. APPLICATION DESCRIPTION

4.1. Planning permission is sought for the replacement of the existing garages with two residential dwellings. The proposals would take the form of semi-detached chalet-style bungalows., finished in brick with tiled roofs. The dwellings would each have two bedrooms and would have south-facing rear gardens.

4.2. The plans have been amended since the initial submission to revise the proposed roof form and layout.

5. REPRESENTATIONS

5.1. The application was first advertised in July 2023. Upon receipt of amended plans the application was then re-advertised in September 2023.

5.2. A total of **Twenty-nine (29)** letters of objection have been received, raising the following points:

- Loss of daylight
- Poor design, harm to conservation area
- Disturbance during construction
- Overdevelopment
- Poor standard of accommodation
- Harm to ecology and nearby trees
- Not substantially changed since previous refused applications
- Lack of vehicle access, including for emergency vehicles
- Overlooking
- Questions regarding strength of western boundary wall
- Queries regarding capacity of sewers
- Loss of garages
- Light spill from the access path
- Asbestos in garages
- Inaccuracies on plans

5.3. Additional points made during the re-advertisement in September 2023 include:

- The amendments are minor and do not address all the concerns raised
- More rooflights will create further overlooking

5.4. **Councillor Pickett** has objected to the application and asked for it to be heard at Planning Committee. A copy of this objection is attached to this report.

- 5.5. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **East Sussex Fire and Rescue:** No comment received
- 6.2. **Environmental Health:** No objection
There is a risk of contamination from this site due to the former use as garages. A contamination assessment should be secured by condition.
- 6.3. **Heritage:** No objection
The proposed development is to the rear of unlisted buildings and should not be visible from within the conservation area, therefore there is no objection to the scheme on heritage grounds.
- 6.4. **Sustainable Transport:** No objection
Cycle parking and the reinstatement of the crossover back to a footway should be secured by condition.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour 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
CP10	Biodiversity

CP12	Urban design
CP14	Housing density
CP15	Heritage

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM41	Polluted sites, hazardous substances & land stability
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

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

Principle of Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 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. No objection in principle is raised to the development of the site for residential purposes. The provision of two additional dwellings would make a contribution towards the housing supply of the city at a time when the Council is unable to demonstrate a five-year supply of housing.
- 9.6. The proposal achieves a density of 39dph (dwellings per hectare). This is below the density target of 50dph identified within Policy CP14, however it is considered that any additional number of dwellings on site would be incongruous with the urban grain of the area and would give rise to further concerns regarding the impact upon neighbours.

Design and Appearance:

- 9.7. 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 or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.9. No objection is raised to the loss of the existing garages on design grounds. These are nondescript single-storey structures that do not contribute positively to the character of the area.
- 9.10. The proposed building as amended comprises a semi-detached pair of single-storey dwellings. There would be further accommodation within the hipped roof form, which includes front and rear dormers and side rooflights. The dwellings would each have a side porch and would be finished in brick and tile hanging, with a tiled roof.
- 9.11. The ridge height of the proposed building would be 5.5m compared to the 8.2m of the refused scheme, with an eaves height of 3.5m compared to 5.3m.
- 9.12. The surrounding area is characterised by spacious gardens and occasional low outbuildings. It is considered that the scale of the proposals (reduced from two storeys at the previous application) is acceptable for its back-land location, achieving the necessary subservience to the established surrounding built form and reducing its intrusiveness within its setting.
- 9.13. The visibility of the proposals from the public realm would be limited, available only in glimpsed views. The proposed material finish would relate well to the surrounding buildings and would be in keeping with the character of the Conservation Area. In accordance with the views of the heritage consultee it is considered that the proposal would not be harmful to the Preston Park Conservation Area. The impact in heritage terms is considered to be neutral, with neither the existing or proposed buildings having a significant visual presence within the conservation area. Whilst the Conservation Area would not necessarily be enhanced, it would be preserved and this would be in accordance with Policy DM26.

9.14. It is therefore considered that the current application has positively responded to the design-based parts of the reason for refusal of the previous application. The scheme as proposed is considered to be an acceptable addition to the site that would not relate poorly to its surrounds, and would not have a harmful impact upon the Preston Park Conservation Area.

9.15. No conflict with Policies CP12 and CP15 of the City Plan Part One and Policies DM18 and DM26 of the City Plan Part Two is therefore identified. Conditions are recommended to secure full details of the material finish for the dwellings, and to secure details of boundary treatments.

Landscaping:

9.16. A full landscaping scheme is recommended to be secured by condition. This would include the access path and planting across the site.

9.17. There are mature trees surrounding the site, particularly towards the southern boundary. No Tree Survey has been provided and the Council's Arboriculturist has not assessed the proposals. However, the proposed dwellings would be located towards the northern end of the site, away from the most substantial trees. A condition is recommended to secure a comprehensive Tree Protection Plan prior to the commencement of development to ensure these trees are not damaged during construction.

Impact on Amenity:

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

9.19. The proposed dwellings are not anticipated to result in an unacceptable increase in noise or disturbance for neighbours. With two bedrooms each, the proposed dwellings would be modest in terms of the likely number of occupants and relative to the potential of the existing use as nine garages, the number of comings and goings is unlikely to be increased.

9.20. The proposal includes two side-facing windows at ground floor level. These would look out onto the boundary wall and as such would not give rise to overlooking concerns. The concerns raised in public representations regarding the addition of rooflights at first floor level are noted however the applicant has confirmed these are to be obscure glazed and non-opening which would be secured by condition.

9.21. The windows in the front and rear dormers would face north and south with louvres to obstruct oblique views east or west. As such these windows would not afford views towards the closest neighbours to the east and west. Views to the south would be obstructed by the significant trees on this boundary, and there would be a separation of 25m to nearest neighbour that would be overlooked to the north (which is a nursery).

- 9.22. No concerns are held regarding direct overshadowing or loss of light to neighbouring windows, as the proposed dwellings would have a single-storey flank with an eaves height of 3.5m, and would be spaced approximately 19m from the neighbouring building facades.
- 9.23. It is considered that the reduced scale of the building has addressed previous concerns regarding overshadowing of garden areas. Whilst the flank walls would be increased in breadth (11m compared to 9m previously), their significantly reduced height (3.3m compared to 5m previously) is considered to help compensate for this.
- 9.24. Whilst the proposals would remain visible in views from neighbouring dwellings, it is considered that due to its reduced height the scheme would no longer constitute a dominant, oppressive or otherwise harmful feature in this outlook, and would not cause harm in this respect.
- 9.25. The proposals are therefore considered unlikely to result in a significant harmful impact upon the amenity of neighbouring occupiers and would not be contrary to Policy DM20 of the City Plan Part Two.

Standard of Accommodation:

- 9.26. The proposed dwellings would have mirrored layouts, each providing 97sqm of gross internal area spread over two storeys. The dwellings would comprise a bedroom, kitchen and dining/living space on the ground floor and a bedroom and study on the first floor. The first floor rooms would have significant amounts of sloping ceilings, reducing the useable proportion of floorspace in these rooms.
- 9.27. The ground floor bedroom would be 11.8sqm in area, the first floor bedroom would be 8.6sqm in area (with 2m or more of headroom) and the study would be 5sqm in area (with 2m or more of headroom). The study is considered not to be suitable for use as a third bedroom due to its limited size, and a suitably worded condition is recommended to restrict this.
- 9.28. Notwithstanding the sloping ceilings, all habitable rooms would be of regular proportions allowing space for furniture and circulation, and each habitable room would benefit from at least one window providing access to outlook. Access to natural light would be slightly restricted, particularly at first floor level due to the proposed layout and the location of the dormer windows. The proposed rooflights would assist, albeit only to a moderate extent due to these being obscure glazed.
- 9.29. It is recognised that the proposals represent a compromise between providing generous internal natural light and minimising any impact on neighbouring privacy that additional fenestration might incur. Overall, it is considered that the proposals strike a reasonable balance in this regard and that future occupiers would not suffer significant harm to their amenity due to inadequate natural light.
- 9.30. The proposals would comply with the Nationally Described Space Standards (NDSS) in terms of Gross Internal Area (GIA), headroom and storage.

9.31. The proposed dwellings would each have access to approximately 70-80sqm of private outdoor amenity space in the form of a rear garden. This is considered commensurate to the scale of dwelling proposed.

9.32. Overall, the proposed dwellings are therefore considered to provide an acceptable standard of accommodation in accordance with Policies DM1 and DM20 of the City Plan Part Two.

Sustainable Transport:

9.33. A TRICS survey identifying predicted vehicle movements to/from the site has been submitted and reviewed by the Local Highway Authority consultee. The proposals are considered likely to result in a reduction in trips to the site over the existing use as garages so is considered acceptable in this regard.

9.34. The existing garages provide space for nine cars to park on site, and their loss would result in some overspill demand. The site is located within a Controlled Parking Zone (CPZ 10) and as such any increase in demand for on-street parking permits can be managed by the Council in its capacity as Local Highways Authority. The Travel Survey submitted by the applicant confirms there is sufficient capacity on the nearby streets to accommodate this demand.

9.35. The proposed access to the dwellings is pedestrian only, via the existing (currently vehicular) access from Bavant Road. Gates, piers, and planting are proposed to be installed to narrow the access path. A condition is recommended to secure the reinstatement of the redundant crossover back to a footway.

9.36. The site is proposed as car-free, with no on-site car parking. This is considered acceptable in accordance with SPD14 maximum standards. As above, the site is located within a Controlled Parking Zone (CPZ) and as such any increase in demand for on-street parking permits can be managed by the Council in its capacity as Local Highways Authority. The Transport consultee has confirmed that CPZ 10 currently has a permit uptake rate of 50% and considers there is sufficient capacity on-street to accommodate the demand likely to arise from the development.

9.37. Cycle parking is proposed in the rear gardens, to be accessed via the side passages. These passages are 1.3m and 1.0m in width at the narrowest point which is too narrow for cycles to be wheeled through in an accessible and convenient manner. A revised location for the cycle parking is recommended to be secured by condition.

Sustainability:

9.38. Energy and water efficiency standards in accordance with Policy CP8 and Policy DM44 can be secured through suitably worded recommended conditions.

Other Considerations:

9.39. A condition requiring at least one 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. COMMUNITY INFRASTRUCTURE LEVY

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

11. CONCLUSION

- 11.1. The proposal is considered acceptable in principle. It is further considered that the current application has positively responded to the reason for refusal of the previous application through its significant reduction in scale. Matters relating to design, amenity, standard of accommodation and transport are considered acceptable, subject to the recommended conditions.

12. EQUALITIES

- 12.1. The proposal is not easily accessible for mobility impaired occupants/visitors, due to the absence of disabled parking on site and the length of the pedestrian access route from the highway.



**Brighton & Hove
City Council**

Cllr Kerry Pickett

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

BH2023/ 01799 - Garages Rear Of 10 Bavant Road

3rd August 2023:

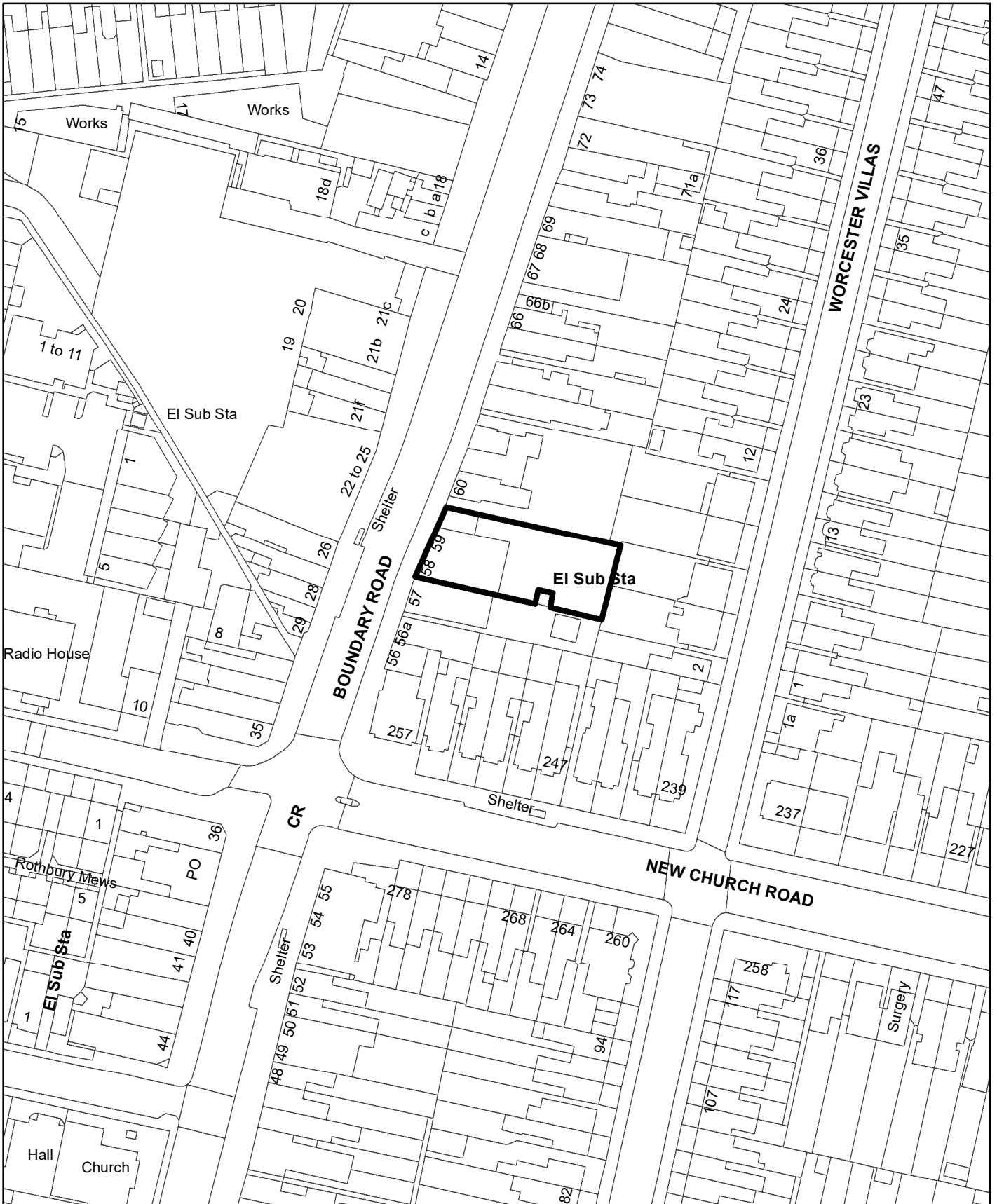
I believe there have been more than five objections to the Bavant Road application, but I would also like to call the application to committee, and I would like to speak before the committee on behalf of residents. Thank you for your advice. It is very helpful as I am new to all of this.

ITEM E

**Shermond House, 58-59 Boundary Road
BH2023/02163
Full Planning**

DATE OF COMMITTEE: 1st November 2023

BH2023 02163 - Shermond House, 58-59 Boundary Road



N



Scale: 1:1,250

<u>No:</u>	BH2023/02163	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Shermond House 58 - 59 Boundary Road Hove BN3 5TD		
<u>Proposal:</u>	Erection of a two-storey detached office building (Class E) with car parking retained at ground floor and new cycle storage, in car park to rear of existing building.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	23.08.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	18.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr A Abboudi 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	TA1396/01	D	23 August 2023
Proposed Drawing	TA1396/10	F	1 August 2023
Proposed Drawing	TA1396/11	E	1 August 2023
Proposed Drawing	TA1396/12	E	1 August 2023
Proposed Drawing	TA1396/13	E	1 August 2023
Proposed Drawing	TA1396/14	D	1 August 2023
Proposed Drawing	TA1396/15	E	1 August 2023
Proposed Drawing	TA1396/16	D	1 August 2023
Proposed Drawing	TA1396/17	E	1 August 2023
Proposed Drawing	TA1396/18	F	1 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 shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a

written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in advance and in writing with the Local Planning Authority.

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

4. 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.

5. 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 and tiling
 - b) samples/details of all hard surfacing materials
 - c) samples/details of the proposed window and door treatments
 - d) 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 DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

6. Notwithstanding the plans hereby approved, prior to first occupation of the development hereby permitted, a Car Park Layout and Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the plan for use at all times.
Reason: To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with SPD14 Parking Standards, Policy CP9 of the City Plan Part One and Policy DM33 of the City Plan Part Two.
7. The development hereby permitted shall not be first occupied until details of disabled car parking provision for the occupants of, and visitors to, the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards
8. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
9. Prior to first occupation of the development hereby permitted, swept path vehicle analysis drawings shall have been submitted to and approved in writing by the Local Planning Authority, to demonstrate that vehicles are able to sufficiently manoeuvre into and out of the site, as well as to utilise the proposed car parking bays as indicated on the approved Car Park Layout Plan as required under condition 6.
Reason: To comply with Policy CP9 of the City Plan Part One and Policy DM33 of the City Plan Part Two.
10. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

11. The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'B'.
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.
12. The premises hereby permitted shall be used as an office (Use Class E(g)(i)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to safeguard the amenities of local residents, and to comply with Policy CP3 of Brighton & Hove City Plan Part One and Policy DM20 of the Brighton & Hove City Plan Part Two.
13. 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 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.
14. The development hereby permitted shall incorporate at least four (4) swift bricks/boxes within the external walls of the development and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy 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.
15. 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.

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 details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
3. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.
4. 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.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

2. SITE LOCATION

- 2.1. The application relates to the rear car park area of a three-storey building on the eastern side of Boundary Road, Portslade. The site is located within the Boundary Road District Centre identified within City Plan Part One and Part Two, with the existing building forming part of the prime frontage of the district centre. The site is located within an Archaeological Notification Area.
- 2.2. The site is located in a mixed area with commercial and residential uses to the north, west and south on Boundary Road. To the east, Worcester Villas comprises residential uses in semi-detached and terraced dwellings.
- 2.3. The existing building comprises retail (Class E) on the ground floor and residential flats (C3) above, with Prior Approval having recently been granted for the conversion of the upper floors.

3. RELEVANT HISTORY

- 3.1. **BH2022/02102** - Erection of a two-storey detached office building (Class E) with car parking retained at ground floor and new cycle storage, in car park to rear of existing building. Refused by the Planning Committee for the following reason: *“The proposed development, by reason of the proposed east- and west-facing first floor glazing and proximity to neighbouring dwellings, would give rise to an increase in actual and perceived overlooking of residents of Shermond House and on Worcester Villas. This would cause an unacceptable loss of amenity to these occupiers and would be contrary to Policy DM20 of the City Plan Part Two.”*
- 3.2. **BH2022/01188** - Application for Approval of Details reserved by Condition 2 (Secure Cycle Parking) of application BH2018/01843. Approved
- 3.3. **BH2020/00996** - Prior approval for change of use at first and second floors from offices (B1) to residential (C3) to form 10no. one bedroom flats. Approved
- 3.4. **BH2020/00905** - Erection of additional storey to create new office space (B1), installation of external lift shaft at rear, revisions to vehicle and cycle parking. Refused, appeal dismissed
- 3.5. **BH2019/01352** - Extension to the roof of existing building to create new office space (B1), installation of external lift tower at rear of building, increased vehicle and cycle parking and new bin storage to the ground floor car park. Refused, appeal dismissed
- 3.6. **BH2018/01843** - Prior approval for change of use at first and second floors from offices (B1) to residential (C3) to form 10no one bedroom flats. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a two-storey detached office building (Use Class E) in the rear car park of Shermond House which is a mixed-use office and residential building. The proposed building would be accessed from Boundary Road via the existing undercroft passage.
- 4.2. The proposals are a resubmission of a recently refused application (BH2022/02102) and incorporate a revised design to address the reason for refusal (relating to overlooking) of this previous application. The first-floor window apertures to the east and west elevations are now proposed to be infilled with metal cladding.

5. REPRESENTATIONS

- 5.1. **Twelve (12)** letters of objection, raising the following points:
 - Overdevelopment
 - Poor design

- Loss of privacy
- Blocks light
- Worsened parking availability
- Noise and disruption during building work
- Noise disturbance
- Query need for more offices
- Health risks from poor ventilation
- Too similar to recent refused application
- Could be converted into more housing at a later date
- Windows could be reinserted
- Further applications should be prevented
- Out of character for the area

5.2. **Councillor Sankey** has objected to the application and asked for it to be heard at Planning Committee. A copy of this objection is attached to this report.

5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

6.1. **Economic Development:** No comment

6.2. **Environmental Health:** No comment received

6.3. **Planning Policy:** No comment

6.4. **UK Power Networks:**

The proposed development is in close proximity to a substation. If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required.

6.5. **Southern Water:**

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

6.6. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.7. **Sustainable Transport:**

The height of the vehicle access undercroft is not sufficient to allow for fire pump access. Confirmation of the alternative fire strategy is therefore required to ensure compliance with building regulations.

- 6.8. Limits on the height of vehicles, swept path analysis, disabled parking, car and cycle parking layout and management. Refuse and recycling details, and a Construction Environment Management Plan should be secured by condition.

7. MATERIAL CONSIDERATIONS

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

- 7.2. The development plan is:

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

CP3 Employment land

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban design

CP15 Heritage

Brighton & Hove City Plan Part Two

DM11 New Business Floorspace

DM12 Regional, Town, District and Local Shopping Centres

DM18 High quality design and places

DM20 Protection of Amenity

DM31 Archaeological Interest

DM33 Safe, Sustainable and Active Travel

DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

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 design and appearance of the proposals, the impact upon neighbouring amenity and sustainable transport matters.

Principle of Development:

- 9.2. Policy CP2 of the City Plan Part One positively encourages sustainable economic growth and seeks to both secure inward investment and support the provision of small- and medium-sized employment floorspace.
- 9.3. The NPPF in paragraphs 119 and 120 encourage planning decisions to promote the more effective use of land that has previously been developed.
- 9.4. The site is located in a mixed-use area, with the site itself already being host to both residential and commercial uses. The introduction of additional office (Class E) space is therefore considered not to be inappropriate. Furthermore, the car park area to the rear comprises 'previously developed land' and is stated to be under-utilised for its current purpose. The proposal would therefore represent a more effective use of the site.
- 9.5. The proposals are therefore considered to be in accordance with Policy CP2 of the City Plan Part One and NPPF paragraph 119 & 120.
- 9.6. It is recognised that there is some tension with Policy DM11 of the City Plan Part Two which requires new office (Class E(g)(i)) floorspace to, inter alia, provide for well-designed buildings and layouts that are flexible and suitable for subdivision.
- 9.7. The proposed building is unlikely to lend itself to subdivision due to its relatively small size (187sqm GIA) and layout. The potential for alternative industrial use would also be limited given the constraints presented by the neighbouring residential dwellings to the east and west.
- 9.8. Whilst this is acknowledged, on balance it is considered that refusal would not be warranted on these grounds as the proposed building is otherwise well designed with inclusive level access to the ground floor, as well as suitable natural light and outlook. In addition, given the aforementioned site constraints it is considered that the proposed building is at the limit of what could comfortably be accommodated in terms of the scale of the building and the amount of floorspace provided internally.
- 9.9. Policy CP3 identifies the need for new business space within the city, and Policy DM11 acknowledges the pressure on the existing stock from Permitted

Development and Prior Approval changes of use. This increases the weight given to the benefits of the scheme in making more effective use of the existing site with it being considered that the redevelopment of the site for office use, even though not fully in accordance with Policy DM11, would nevertheless be a more efficient use of the site than as an off-street vehicle parking area.

- 9.10. It is therefore considered that the proposal is acceptable in principle as it would accord with Policy CP2 and the NPPF paragraph 119, and that whilst there would be partial conflict with Policy DM11 this would be outweighed by the above factors and would not warrant refusal.
- 9.11. In view of the above and in the interests of neighbouring amenity it is considered appropriate to attach a condition restricting the use of the building within the meaning Class E to offices (E(g)(i)), and to remove 'permitted development' rights for changes of use. This will allow for the implications of any future changes of use of the building to be fully assessed.

Design and Appearance:

- 9.12. The proposal comprises a two-storey building with a flat roof. The building would be finished in brickwork and would have a 'green' roof with rooflights and PV panels and grey fenestration. There would be grey metal cladding panels between fenestration to the northern side elevation, and grey metal cladding to the first-floor window apertures to the east and west elevations. This last feature would address the reason for refusal of the previous application pertaining to overlooking and loss of privacy, whilst retaining the balance and composition of the elevations and avoiding an overly bulky or top-heavy appearance that would result from a solely brickwork finish at first floor.
- 9.13. In terms of urban grain and the siting of the proposed building, it is recognised that the introduction of a new building in this location presents a challenge given the currently open nature of the rear of the site. Whilst there are existing examples of detached buildings set to the rear of the primary buildings fronting onto Boundary Road (for example immediately to the south of the site), these are of a single-storey scale and therefore result in minimal visual disruption or incongruity.
- 9.14. The proposal is two-storeys in height and therefore would have a greater impact in terms of its massing and relationship with the surrounding neighbours than the existing single-storey buildings. There would be some visual disruption to the otherwise open character of the area between the rear of Boundary Road and Worcester Villas.
- 9.15. However, it is considered on balance that the resultant harm in terms of design and appearance would not be significant enough to warrant refusal of the application. The scale and massing of the proposed building would remain significantly lower than that of the existing buildings fronting Boundary Road, and together with the proposed flat roof form would, despite its increased scale relative to existing rear buildings, nevertheless achieve a subservience appropriate for its location at the rear of the site.

- 9.16. In terms of detailed design, the proposed building is considered acceptable. The proposed pattern of fenestration would display consistency in terms of proportion and alignment and is considered acceptable. The material finish would not be out of keeping for the area, although full details are recommended to be secured by condition.
- 9.17. It is recognised that applications for two-storey developments to the rear of the buildings fronting Boundary Road have been refused in the past.
- 9.18. For example, application BH2016/05009 at 57 Boundary Road proposed an additional first floor to the existing single-storey dwelling immediately to the south of the application site, and was refused due to its "scale, massing and site coverage", having an "unduly dominant, discordant and unsympathetic relationship with the adjacent properties and an overbearing impact on the appearance of the wider area, contrary to policy QD14 and QD27 of the Brighton & Hove Local Plan".
- 9.19. Every development must however be assessed on its own merits. The application site for BH2016/05009 was substantially more constrained for space than for the current application, with a significantly greater degree of plot coverage and accordingly a reduced separation distance to site boundaries and neighbouring buildings. It is further noted that BH2016/05009 provided no wider public or economic benefits beyond increasing the floor area of the existing dwelling.
- 9.20. It is therefore considered that, whilst there would be some harm resulting from the scale of the proposed building, the current application is, on balance, considered to be acceptable in terms of design and appearance and would accord with Policy CP12 of the City Plan Part One and Policy DM18 of the City Plan Part Two.

Impact on Amenity:

- 9.21. 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.
- 9.22. The neighbours most likely to be affected by the proposed development are the occupants of the flats on the upper floors of the existing building on the site (Shermond House 58-59 Boundary Road), the single-storey dwelling directly to the south at the rear of 57 Boundary Road, and the dwellings on Worcester Villas to the east of the site (principally nos. 2-8). To the north of the site is a car park area.
- 9.23. The building would be set 9m away from 58-59 Boundary Road. Together with the mutual east-west orientation of the buildings this is considered an acceptable separation distance to avoid significant impact in terms of overshadowing and loss of light. The residential use in this neighbouring building is located on the upper storeys (first and second floors), above the notably high commercial ground floor level, and as such the proposals are considered unlikely to result in

unacceptable loss of outlook or sense of enclosure given that the parapet of the proposed building does not exceed the top of the first-floor window openings for Shermond House.

- 9.24. The reason for refusal of the previous application related to overlooking, both actual and perceived, from the first-floor glazing to the east and west elevations. The current proposal includes solid metal cladding to infill these apertures to eliminate overlooking, and it is considered that this would overcome the concerns raised previously by removing any views outwards to the east and west.
- 9.25. The neighbour at the rear of 57 Boundary Road would not be significantly affected in terms of overshadowing or loss of light due to its location to the south of the proposed building. Whilst the separation distance to this neighbour would be close at 3.5m, the likely resulting impact in terms of enclosure and overbearingness is considered acceptable as the main bulk of the proposed building would be set further apart at 5.5m, and that the primary fenestration of the neighbour does not face north. There is no fenestration proposed facing southwards.
- 9.26. The proposed building would be set 3.7m away from the eastern site boundary, with an overall separation distance of 19 to 22m between the rear elevation of the proposed building and the rear elevation of the dwellings directly to the east on Worcester Villas (19m for no. 4 Worcester Villas which has a single-storey rear extension). It is considered that the proposed building would be sufficiently spaced from the eastern neighbours to avoid a significant harmful impact in terms of direct overshadowing or loss of light. It is recognised that the proposal would be visible from the rear windows and gardens of these neighbours and that there would be some resultant impact on the outlook from these dwellings and garden areas. However, it is considered that the level of harm in this regard would be not significant, given the separation distance involved, the relatively modest scale of the proposals and the flat roof form further reducing the bulk of the building on the eastern boundary of the site. The concerns raised previously regarding harmful overlooking eastwards are considered to have been addressed through the proposed infilling of these first-floor window apertures with metal cladding.
- 9.27. As identified above, the site to the north comprises off-street car parking and the addition of clear glazed windows to the northern elevation (to allow for some outlook given the infilling of the eastern and western first floor windows) is considered acceptable.
- 9.28. In terms of noise and activity, the proposed office (Class E) use is considered appropriate for the area and with a projected 20 employees is unlikely to result in significant harm for neighbours. This is subject to the condition restricting the use within Class E as other uses within this Class may have a significantly greater impact in this regard.

Sustainable Transport:

- 9.29. The changes made to the scheme since the recent refused application would not materially bear upon the transport considerations of the development.
- 9.30. The previous application included a Transport Assessment by Reeves Transport Planning. The Transport consultee reviewed this document (as part of the previous application) and raised no objection to the application, subject to a number of conditions to be attached.
- 9.31. The proposal is considered unlikely to result in a significant increase in trip generation compared to the existing use.
- 9.32. The site is an existing car park, understood to provide 16 spaces, controlled by a barrier. The proposal retains 7 car parking spaces, and whilst the proposed bays appear to be acceptable in terms of dimension, there is no disabled parking space(s) indicated, and no swept path analysis to demonstrate acceptable manoeuvrability. These matters can be resolved through the recommended condition securing a Car Park Layout and Management Plan and Swept Path drawings. This would also be expected to confirm the proposed allocation between the retail occupier and the proposed office building.
- 9.33. It is recognised that there would be a loss of nine on-site car parking spaces as a result of the proposal. The site is however located within a Controlled Parking Zone (CPZ), as are the neighbouring residential roads, with the issuance of parking permits at the discretion of the Local Highways Authority. Any uplift in overspill car parking demand arising from the development can therefore be managed within the CPZ permits system, and the loss of on-site car parking spaces is considered not to be objectionable given the site's sustainable location close to shops, services, the train station, and bus stops serving a number of different routes across the City.
- 9.34. The access to the rear of the site is via an undercroft passage from Boundary Road. The concerns of the Transport consultee regarding the limited height of this access are noted. An alternative fire safety strategy will be required, however this falls within the remit of the building regulations.
- 9.35. Pedestrian access would be via the same undercroft passage as vehicles, and whilst this is not ideal it is nevertheless acknowledged that the volume of traffic is below the typical threshold at which a material risk to pedestrian safety could occur. No objection is raised to the pedestrian access arrangements on this basis.
- 9.36. Cycle parking is indicated on the proposed plans for both the existing flats at Shermond House and for the proposed office space, in two separate stores. The applicant has confirmed that the larger store to the rear of the site (14 spaces) would be for residents, whilst the smaller store to the north (6 spaces) would be for the office building. The provision of 6 covered, secure cycle parking spaces for the office building exceeds SPD14 guidance which would require a minimum of 4 spaces, so is considered acceptable.

- 9.37. The re-provision of 14 covered, secure cycle parking spaces for the residential flats is acknowledged to be a reduction in spaces compared to the existing provision (which comprises 18 uncovered spaces). However, 14 spaces nevertheless complies with SPD14 minimum standards for the ten flats, and moreover the proposed spaces are covered whereas the existing spaces are uncovered, and this is considered a significant benefit in terms of the attractiveness of the facilities. Accordingly, the re-provided cycle parking for the residential flats is considered acceptable on balance.
- 9.38. Small delivery vehicles could load/unload on-site, whereas larger vehicles would have to remain on Boundary Road. This is considered acceptable given the low number of expected delivery trips.
- 9.39. Construction works have the potential to impact upon highway safety, journey time and local amenity and as such a Construction Environment Management Plan can be secured by condition, in accordance with the comments of the Transport consultee.

Sustainability:

- 9.40. Sustainability measures 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. These include achieving BREEAM 'very good', a 27% improvement over Building Regulations Part L requirements and a minimum Energy Performance Certificate rating of 'B'.
- 9.41. Details of refuse and recycling facilities are not indicated on the plans and can be secured by condition.

Other Considerations:

- 9.42. Conditions requiring at least one bee brick and four swift bricks/boxes (1 per 50sqm of floorspace) have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.43. The proposals include a green roof and a condition is proposed to secure full details of this element.
- 9.44. The site is located within an Archaeological Notification Area, and a Heritage Statement has been provided with the application. It is considered that the proposals are unlikely to result in significant Archaeological impact as the site comprises previously developed land, however as some ground works are necessary it is nevertheless considered appropriate to secure a Written Scheme of Investigation (WSI) by condition.

Conclusion

- 9.45. The proposal as amended is considered acceptable in principle, as it would accord with the aims and objectives of Policy CP2 of the City Plan Part 1 and the NPPF in making more effective use of the existing site and would provide economic benefits in the provision of new office space in a sustainable location.

The proposals do not fully comply with Policy DM11 of the City Plan Part 2 however this is considered to be acceptable in this instance given the constraints of the site. Whilst some concerns are held regarding the two-storey scale of the proposed building in terms of visual disruption to the otherwise relatively open character of the site this is considered not to cause significant harm in design terms and would not be considered of sufficient weight to justify refusal. The proposed building (as amended) is considered acceptable in terms of detailed design. The concerns regarding the impact upon neighbouring amenity have been overcome through the infilling of the first-floor front and rear window apertures. Outstanding Transport, Sustainability, Biodiversity and Archaeology matters can be addressed through conditions.

9.46. On balance therefore, approval is recommended, subject to conditions.

10. EQUALITIES

10.1. The proposals allow for level access to the ground floor office space.



**Brighton & Hove
City Council**

Cllr Bella Sankey

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

BH2023/02163 – Shermond House, 58-59 Boundary Road

19th September 2023:

I'd like to object to the application BH2023/02163. It fails to address the issues for which a previous and similar planning application failed, including the loss of privacy from the west windows facing Shermond House which was a specific reason for the refusal notice.

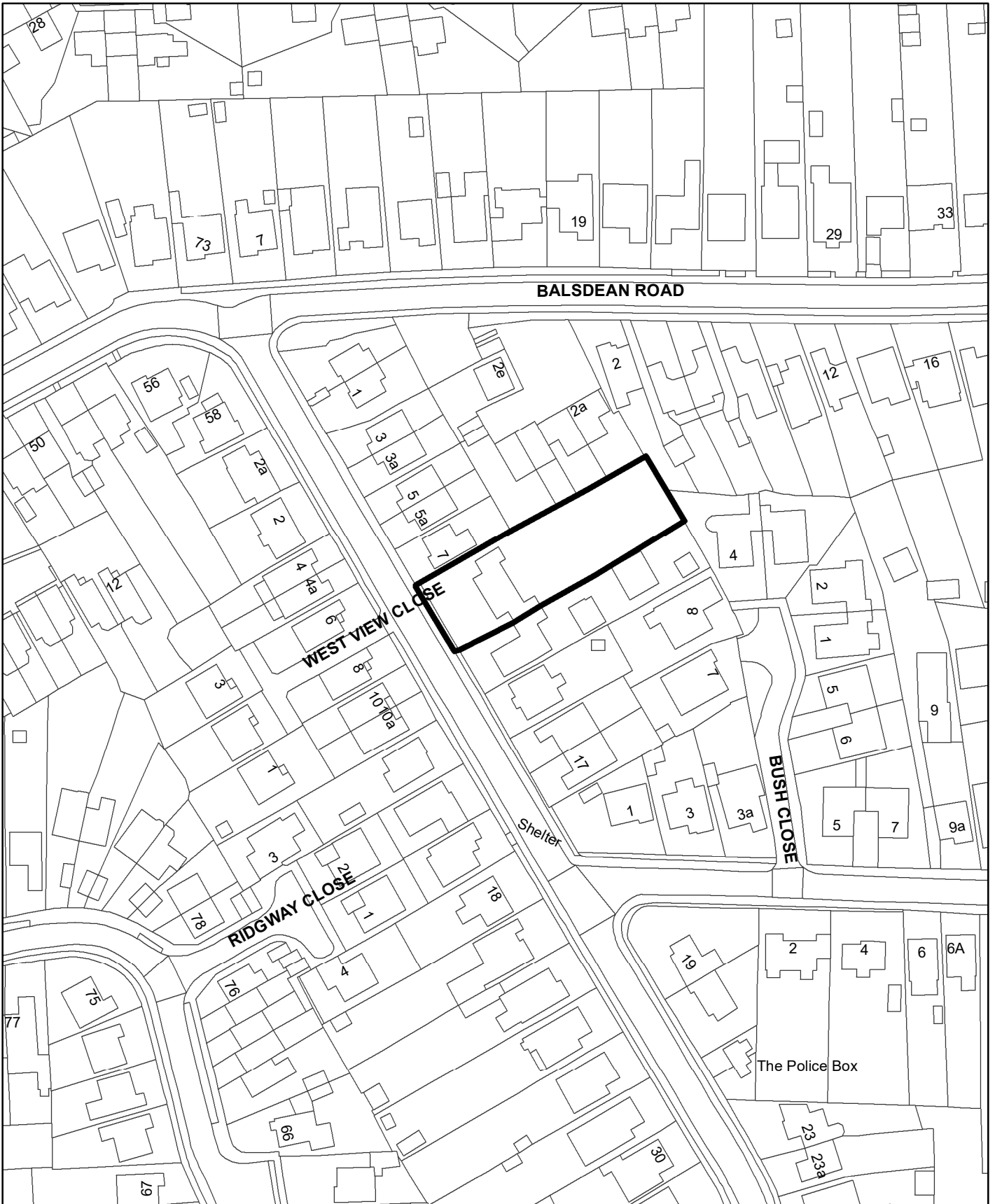
I'd like to request to call this to Committee and to object.

ITEM F

**9 The Ridgway
BH2023/00839
Full Planning**

DATE OF COMMITTEE: 1st November 2023

BH2023 00839 - 9 The Ridgway



N



Scale: 1:1,250

<u>No:</u>	BH2023/00839	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 The Ridgway Brighton BN2 6PE		
<u>Proposal:</u>	Demolition of existing bungalow and erection of 1no three bedroom bungalow (C3) to rear and 2no three bedroom dwellings (C3) to front with associated works (part-retrospective).		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	12.04.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	07.06.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.11.2023
Agent:	SDR Designs 14 Batemans Road	Woodingdean Brighton BN2 6RD	
Applicant:	Mr Mark Saxby C/o 25 Falmer Road	Rottingdean Brighton BN2 7DA	

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	1112023/01		20 March 2023
Proposed Drawing	1112023/03	B	19 July 2023
Proposed Drawing	1112023/04	B	19 July 2023
Proposed Drawing	1112023/05	B	19 July 2023

2. 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):
- Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - samples of all cladding to be used, including details of their treatment to protect against weathering
 - samples/details of all hard surfacing materials
 - samples/details of the proposed window and door.
 - 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 DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

3. The first floor side windows within Plots 2 and 3 of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

6. Prior to the commencement of any further development on site (including any further demolition and all preparatory work), a scheme for the protection of the third party trees adjacent to the northern boundary of the site, 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 for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. Prior to any further development commencing on site (including any further demolition and all preparatory work) the protection measures identified in the submitted arboricultural method statement required by condition 6 shall be put in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
8. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential development.
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.
9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
10. At least one bee brick per dwelling shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy 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.
11. The development hereby permitted shall incorporate at least 6 (six) swift bricks/boxes within the external walls of the development and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City

12. The development hereby permitted shall not be occupied until secure, covered cycle parking facilities for the occupants of, and visitors to, the development have been made available for use. The cycle parking 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.

13. Prior to any further development commencing on site, details of the Street Design (including all new highway accesses) shall be submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The Street Design shall include the following:

- measurements and dimensions of the internal access road and accesses and visibility splays onto The Ridgway
- details of how the design complies with the Equalities Act 2010,
- details of how the design has had regard for SUDS guidance and have a scheme of drainage to prevent water run off onto the highway
- details of how emergency vehicles will access the site
- a minimum of 1.2m width footway or if this is not possible due the width of the access route, a delineated footpath
- a scheme of lighting to ensure areas where vehicle traffic is present are illuminated
- a warning sign to alert drivers that pedestrians may be present on the route
- signage at the top and bottom of the ramp warning vehicles of approaching cycles/traffic and giving priority to uphill traffic
- details of a dedicated on-site car parking space to serve Plot 1

The scheme including any new crossovers shall be carried out in full as approved prior to first occupation of the development and shall thereafter be retained for use at all times.

Reason: In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and DM33 and DM36 of City Plan Part Two.

14. The development hereby permitted shall not be occupied until the dwellings 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. Prior to any further development commencing on site, 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, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One
16. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouses, within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18/DM21/DM20 of Brighton & Hove City Plan Part 2, and CP12/CP13 of the Brighton & Hove City Plan Part One.
17. 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.
18. Other than demolition works and site clearance, no further development on site shall commence 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The 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.
4. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
5. 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.
6. To be in line with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for a purpose-built secure cycle store (e.g., Tri-metal). Alternatively stores made from other materials such as wood must be covered and include a concrete base with Sheffield type stands to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
7. The applicant is advised that for street design guidance they should at least refer to the Department for Transport's Manual for Streets documents and the Department for Transport's Inclusive Mobility document. Where changes occur, the design is to include footway, carriageway, landscaping, street lighting and surface water drainage designs, construction methods and materials, dimensions, gradients, levels, radiuses, alignment (horizontal and vertical), general arrangement and vehicle swept path analysis drawings for a standard size fire engine, large ambulance, and standard size waste disposal vehicle. The construction shall be carried out in accordance with the approved Section 278

(of the Highways Act 1980) Agreement. The applicant must contact the Highway Authority by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and prior to any works commencing on-site and on the adopted (public) highway. An assigned officer telephone number will be supplied in the e-mail response to provide a point of contact regarding the submission and Section 278 (of the Highways Act 1980) Agreement.

8. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to conduct these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.
9. 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: <https://www.hse.gov.uk/asbestos/>.
10. The applicant should be aware that the site is 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. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
12. For the avoidance of any doubt, only the location plan (not block plan on the same drawing) 1112023/01 submitted on 20/3/23 is approved.
13. 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

2. SITE LOCATION

- 2.1. The application relates to the site of a former detached bungalow on the eastern side of The Ridgway. The plot slopes up from the front to the rear. Attached to the northern side of the bungalow is a garage with a side driveway. The Ridgway slopes from the north up to the south. There are mature trees adjacent to the

site's northern boundary (outside the site) that are covered by Tree Preservation Orders (TPOs).

- 2.2. The area is suburban and residential in character, and is made up of dwellings of varying scales and design.
- 2.3. Since the time of the Officer's site visit, the LPA have been notified that the bungalow has been demolished and the site cleared.

3. RELEVANT HISTORY

- 3.1. BH2022/03144 Demolition of existing bungalow to facilitate the erection of 2no four bedroom, two storey semi-detached dwellings and 2no four bedroom, two storey detached dwellings with associated works. Withdrawn 06.02.2023.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the demolition of the existing bungalow and the erection of a pair of three bedroomed semi-detached dwellings at the front of the site and a three-bedroom bungalow to the rear of the site.
- 4.2. The proposed development has been amended during the life of the application and a re-consultation with neighbouring properties has taken place. The main revisions included;
 - Reducing the number of dwellings from four to three;
 - Removal of the rear balconies from the front two dwellings;
 - Excavation of the front two plots to set them down lower in the plot.
- 4.3. As noted above, demolition works have been undertaken on site so the application is in part retrospective, but this is not a material consideration in determining it.

5. REPRESENTATIONS

- 5.1. Nine (9) letters have been received objecting to the proposed development for the following reasons:
 - The impact on trees
 - Loss of privacy
 - Increase in noise
 - Increase in pollution
 - Increase in traffic/road accidents
 - Access for emergency vehicles would be restricted
 - Overdevelopment
 - Increase in parking
 - Inaccessible access
 - Overlooking from the balconies

- Unattractive design
- 5.2. Five (5) letters were received following the re-consultation, restating similar concerns and raising the following additional concern;
- The reduction in dwellings has not addressed concerns.
- 5.3. **Councillor Simson** objects to the application. A copy of this objection is attached to this report.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture (verbal):** Comment
The applicant has not provided a tree survey, however the provided photographs show the majority of vegetation on site removed pre-submission. This loss of biodiversity could be compensated with mitigation planting.
- 6.2. The proposed access road appears to be within the root protection zone of the 3rd party trees covered by TPO 1997/6. Further information is therefore required regarding the impact of the development on these trees.
- 6.3. Protection measures would include an exclusion zone compliant with BS5837. Further information should be required by condition including a Method statement and Tree protection plan prior to the commencement of works, and the method statement should state all service runs to be located outside of the root protection zone for the TPO trees.
- 6.4. **Environmental Health:** Comment
Informatives are suggested to ensure that potential asbestos in the building is addressed prior to demolition and to notify the applicant that the site is within a radon affected area and that Radon protection requirements should be agreed with Building Control.
- 6.5. **Sustainable Transport:** No Objection subject to the inclusion of the following conditions:
- Street Design
 - New/extended Vehicle Crossover
 - Cycle Parking Scheme
 - Boundary Treatment (if cycle parking is not relocated to the front in a suitable position preventing overparking)

External:

- 6.6. **Southern Water:** Comment
Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant.
- 6.7. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing Mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising development potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
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
SPD12	Design Guide for Extensions and Alterations

9. **CONSIDERATIONS & ASSESSMENT**

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

Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. 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. The net increase of two additional dwellings on the site would therefore make a small but positive contribution to the City's housing target.
- 9.5. City Plan Policies CP14 and DM19 encourage effective use of sites and there is no objection in principle to increasing the density on this site. There are no objections to the demolition of the existing building, which is not listed or protected, however the replacement development should seek to provide a good standard of design and should not detract from the streetscene or the prevailing character or appearance of the surrounding area. The design and appearance of the development is considered below.
- 9.6. Policies CP19 and DM1 of the City Plan require that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city. The scheme would provide solely three-bed units which given the small scale of the development and suburban location is considered acceptable.
- 9.7. The proposal would provide family-sized homes which would make a small but valuable contribution towards the city's housing supply, and this is welcomed and given weight in the planning balance.

Design and Appearance:

- 9.8. City Plan Policies CP12 and DM18 expect all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 9.9. As mentioned above, policies allow for density of development to be increased where appropriate, and the existing plot is substantially larger than the average size of the plots within the immediate vicinity. It is therefore felt that the subdivision of the site into three new plots is acceptable. There is quite a degree of variety of plot and dwelling sizes in the locality, and the proposed plots would be of a similar scale and layout on average as neighbouring plots within the vicinity of the site. The street frontage widths and plot sizes are comparable and would not appear cramped, and would retain the suburban character of the neighbourhood. The plot sizes are considered appropriate to serve the scale and type of dwellings proposed, subject to 'permitted development' rights being removed by condition to ensure the scale of development remains appropriate for the locality.
- 9.10. The front two plots would form a pair of semi-detached properties that would sit within the streetscene of The Ridgway. During consideration of the application, discussions took place with the applicant in reference to the design and appearance of the proposed dwellings, particularly in relation to the modern design and slightly unusual roof form which incorporates sloping roofs leading to a lowered area of flat roof along the ridgeline. The modern design approach is not objected to in principle and examples of modern development within the area have been noted.
- 9.11. However the roof form/shape would be an unusual feature within the streetscene and is not typical of the streetscene. In addition, the proposal is for use of contemporary materials - part composite vertical clad elevations and metal grey roof. Revisions have been accepted which involved setting the development lower within the site, which ensures that the roof heights are more in keeping with the streetscene and topography, and ensures the proposed dwellings would not compete with the eaves height of the adjoining property to the south. The set-down would also ensure that the dwellings do not appear unduly dominant.
- 9.12. The rear plot and design of the dwelling, by the nature of it being single storey and set down from the existing ground level would not be highly evident from the streetscene or surrounding properties.
- 9.13. It is acknowledged that the existing streetscene is varied and there are a number of examples of contemporary development and varied materials within the immediate vicinity. In this context, whilst there are some reservations regarding the design, on balance it is considered that the design and appearance of the dwellings would not cause harm to the character and appearance of the area, and would accord with relevant policies.
- Landscaping and the Impact on Trees:
- 9.14. The site was former garden land and has been cleared of the majority of vegetation, works which can be undertaken without planning permission. This

loss can be mitigated by appropriate planting/landscaping schemes. Further information is requested by condition. The provision of open parking forecourts is characteristic of the locality.

- 9.15. The site adjoins a number of protected trees which are located adjacent to the northern border of the site. The applicant has not provided a tree survey to assess the impact of the access road or development on these neighbouring trees. The Arboriculture Officer has advised that prior to any construction works on site that a method statement and Tree protection Plan are submitted to ensure that appropriate protection measures are in place to ensure that no harm is caused to these trees.
- 9.16. Subject to condition, it is considered the proposal would comply with policy DM22.
- 9.17. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.18. The site is bordered by a number of residential properties.
- 9.19. The properties most likely to be affected by plot 1 (located at the rear of the site) would be no. 11A The Ridgway, 4 Bush Close, 2, 2a, 2b, 2c, and 2d Balsdean Road as these properties all adjoin the rear and side boundaries of the site. The bungalow would be positioned approximately 2.8m from the southern side boundary, 5.4m from the northern side boundary and 8.4m from the rear boundary. The rear garden of the existing site continually slopes up to the rear. The ground level would be excavated by approximately 1.5m. The level of excavation coupled with the separation distances ensures that the proposed bungalow would not be unduly dominant or harmful in terms of an overbearing impact, loss of light or overshadowing to the adjoining properties. The existing boundary treatments provide a further level of screening.
- 9.20. Given the siting and height of the window and door openings, no loss of privacy or overlooking is likely to occur from the proposed bungalow.
- 9.21. The properties most likely to be affected by plots 2 and 3 (located at the front of the site) are No. 7 and No. 11 The Ridgway as the proposed semi-detached buildings would be built on building line of The Ridgway. Due to the gradient of the road, No. 7 is set at a lower level than the application site. The proposed dwellings would be set approximately 5.5m from main dwelling at No. 7. Within the side elevation of No. 7 facing the development there is a high level side window which appears to be a secondary window. This separation distance ensures that the additional height of the proposed dwellings would not result in any significant harm in terms of overshadowing, overbearing impact or any loss of light or detrimental impacts to this existing side window.
- 9.22. The neighbouring property No. 11 is set at a higher level than the existing site and would have a separation distance of approximately 3.8m. The neighbouring

property has a side dormer with a number of primary windows. To ensure that the dormer windows remain unaffected the proposed dwellings have been set down and therefore the height of the development would not unduly impact on these neighbouring windows.

- 9.23. In terms of overlooking and loss of privacy, an upper floor window would be positioned within the outer elevations of both new dwellings. These windows serve the stair well. A condition would be attached to ensure that both side windows are obscure glazed and fixed shut, and therefore no overlooking or loss of privacy would occur.
- 9.24. The relationship between the front plots and the rear plot must also be considered. The front to back distances between the plots is approximately 18m and they are separated by a 2m fence. The distance ensures that the dwellings do not impact each other in terms of loss of light, overshadowing or an overbearing impact. The first floor rear windows of plots 2 and 3 would look towards the rear bungalow, however due to the land level changes and the boundary screening, any views into the bungalow would not be overbearing or significantly harmful. The boundary screening also ensures that when the occupiers of plots 2 and 3 are in their rear garden areas no harmful overlooking or loss of privacy would occur.
- 9.25. The proposed access road serving plot 1 would be positioned adjacent to plot 2 as well as the neighbouring property No. 7 The Ridgeway. Whilst there could be an increase in activity as well as noise and disturbance along this boundary, given it only serves one additional unit, it is considered that any increase would not be significant.
- 9.26. Overall, it is considered that the development would not result in any significant harm to neighbouring amenity, in compliance with policy DM20.

Standard of Accommodation:

- 9.27. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings.
- 9.28. The proposed new accommodation meets these size standards, including bedrooms sizes and widths, and each unit has appropriate levels of light, outlook, ventilation and circulation space. Plots 2 and 3 would have a floor area of 125m² and therefore would be over the minimum standard of 102m². Plot 1 would have a floor area of 114m² and would be over the minimum standard of 95m².
- 9.29. Residential units are required to have private useable amenity space, commensurate to the type of unit. Each unit would be provided with sufficient front and rear garden areas.

- 9.30. Refuse/ recycling facilities have been shown on the plans. However their location is not considered convenient for future occupiers to use. A condition is attached to require further details in relation to the siting of these facilities.

Sustainable Transport:

- 9.31. City Plan policies seek to ensure highway safety and seek to encourage use of sustainable modes of transport. Parking standards are set out on SPD14.
- 9.32. The Local Highway Authority raise no objection to the scheme, subject to condition.
- 9.33. The site is located in a sustainable location close to bus routes and amenities.
- 9.34. It is considered that the addition of 2 further dwellings on this plot would not give rise to a significant increase in trips to and from the site.
- 9.35. The site already has vehicular access and exact details of the access, visibility splays and internal access road/street design can be secured by condition to ensure they are safe for vehicles and pedestrians. This can include suitable widths for emergency vehicles if required.
- 9.36. The provision of 1 on-site parking space per unit for Plots 2 and 3 is considered proportionate and acceptable, and is within SPD14 standards for this scale and type of development. No dedicated parking space is shown for Plot 1 however there is space within the layout design, and this can be secured via condition.
- 9.37. To promote use of sustainable modes, cycle parking serving each unit can be secured via condition.
- 9.38. Subject to condition, the proposal is considered to comply with policies CP9 and DM33 and DM36.

Sustainability:

- 9.39. Energy and water efficiency standards in accordance with Policy CP8 and Policy DM44 can be secured through suitably worded recommended conditions. Use of Sustainable Drainage systems and permeable hard surfacing can also be secured via condition to reduce the risk of flooding.

Other Considerations

- 9.40. A condition requiring at least one bee brick and swift brick/boxes has been attached to improve ecology outcomes on the site in accordance with City Plan Policies CP10 and DM37 and Supplementary Planning Document SPD11 Nature Conservation and Development. In addition, a condition is recommended to ensure the scheme incorporates soft landscaping.

10. COMMUNITY INFRASTRUCTURE LEVY

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

11. CONCLUSION

- 11.1. The proposal is considered acceptable in principle and makes effective use of the site and contributes towards the city's housing supply. Matters relating to density, design, amenity, standard of accommodation, transport and landscape/biodiversity are considered acceptable, subject to the recommended conditions.

12. EQUALITIES

- 12.1. A condition will ensure the proposed dwellings meet adaptable standards in terms of accessibility.



**Brighton & Hove
City Council**

Cllr. Dee Simson

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

BH2023/00839 – 9 The Ridgway

4th May 2023:

I am writing to support the many residents who have contacted me to object to the demolition of the existing bungalow to facilitate the erection of 2no three-bedroom dwellings at the rear and 2no three-bedroom dwellings to front with associated works.

There are several reasons for this objection.

This application is clearly an overdevelopment of the site.

In order to squeeze them in it has necessitated plans to build very close to the side boundaries which will cause loss of privacy, increased nuisance and overlooking of nearby properties.

The Ridgway has a mix of houses, all of which are individual in design, but which have adequate amenity space for the size of each accommodation. Woodingdean is favoured for its large gardens and play space.

The amenity space proposed for these properties is inadequate for the size of each three-bedroom property which could house several children.

“The planning authority will require the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development.”

The drawings do not clearly show the close proximity to no.11a which would suffer from overlooking and loss of privacy.

There will also be loss of privacy and overlooking of other properties in Bush Close to the rear of the site. None of the photos provided show the relationship of the site with properties in Bush Close.

This development sits on a very busy stretch of road that is a major bus route and consideration must be given to the increased traffic movements accessing the properties. There appears to be no provision within the plans for off-road vehicle parking and little room for on street parking. Family homes in an area like Woodingdean will almost always require space for vehicle parking.

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

ITEM G

**18 Rosebery Avenue
BH2023/02174
Full Planning**

DATE OF COMMITTEE: 1st November 2023

<u>No:</u>	BH2023/02174	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	18 Rosebery Avenue Brighton BN2 6DE		
<u>Proposal:</u>	Change of use from single dwellinghouse (C3) to small house in multiple occupation (C4) and provision of cycle storage.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	02.08.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	27.09.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mrs May Barron 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	2800/01		2 August 2023
Proposed Drawing	2800/01		2 August 2023
Report/Statement	Planning Statement		2 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. 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 emerging Brighton and Hove City Plan Part Two.

4. The HMO use hereby approved shall only be implemented in strict accordance with the proposed layout detailed on the proposed floor plan ref. 2800/01 C received on 2nd August 2023 and shall be retained as such thereafter. The

layout of the kitchen and living spaces shall be retained as communal space at all times and shall not be used as bedrooms. The double occupancy bedroom shall be the largest bedroom (first floor front bedroom).

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

5. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

6. The development hereby permitted shall not be used/occupied until the new crossover and access has been constructed.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. To be in line with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for a purpose-built secure cycle store (e.g., Tri-metal). Alternatively stores made from other materials such as wood must be covered and include a concrete base with Sheffield type stands to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.

2. SITE LOCATION

- 2.1. The application site relates to a detached bungalow with side dormers on the eastern side of Rosebery Avenue. The application site is not listed, and it does not lie within a conservation area.
- 2.2. The site lies within the Woodingdean ward which has been subject to an Article 4 direction to restrict permitted development rights for changes of use from C3 (dwellinghouse) to C4 (small House in Multiple Occupation) since June 2020. Express planning permission is therefore required for such changes of use.

3. APPLICATION DESCRIPTION

- 3.1. This application seeks planning permission for change of use from a dwelling house (C3) to a small, four-bed house in multiple occupation (C4).

4. RELEVANT HISTORY

- 4.1. **BH2020/01930** - Change of use from dwelling house (C3) to four bedroom small House in Multiple Occupation (C4). Withdrawn
- 4.2. **BH2017/03521** - Certificate of lawfulness for proposed rear extension, erection of side porch and alterations to fenestration. Split Decision

5. REPRESENTATIONS

- 5.1. **Eight (8) representations** have been received objecting to the proposed development for the following reasons,
 - Increase in noise and disturbance from HMO residents,
 - Overdevelopment,
 - Previous use as a holiday let was a poor experience for residents,
 - Increased traffic and parking pressures,
 - Proposed bicycle store is built against a low boundary wall,
 - Does not maintain a balanced community,
 - Property is poorly maintained and managed by owner,
 - Loss of privacy to neighbouring properties,
 - Number 20 would be sandwiched between HMOs,
 - Potential for health and safety issues, including fire risk,
 - Loss of family dwellinghouse,
 - Poor design of the internal layout as the bathroom is accessed off the kitchen, poor communal spaces
 - Application prioritises profit.

6. CONSULTATIONS

Southern Water comment

6.1. A sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.2. **Sustainable Transport - Verbal comment:** No objection

- The proposed changes are likely to increase the number of trips to the location however, these are unlikely to generate reason for objection.
- Parking Standards SPD14 states a maximum of 0.25 car parking space per bedroom for the Houses of multiple occupiers. The applicant is proposing the one car parking space and this is accordance with the maximum requirements. However, the plans do not indicate a vehicle crossover for the proposed car parking space. A new/extend vehicle crossover is necessary, and a condition should be attached. Please note that this is a separate process and permission is not guaranteed. The applicant is advised to contact council's vehicle crossover team.
- The applicant is proposing 4 cycle space in the secured storage, and this is considered acceptable. Details of cycling storage are required via condition.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing, Quality, Choice and Mix
DM7	Houses in Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

Supplementary Planning Documents:
SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the change of use is supported in principle, the standard of accommodation, the impacts of the development on neighbour amenity and transport matters.

Principle of Proposed Change of Use:

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) 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 33 properties within a 50m radius of the application property, one of which has been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 3.03%.
- 9.4. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a four-bedroom HMO (C4 use) would not conflict with the aims of policy CP21.
- 9.5. 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."*

9.6. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 0.4% 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.

9.7. On this basis, the scheme is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1.

Standard of Accommodation:

9.8. The proposed standard of accommodation is being considered against Policy DM1 of CPP2 which incorporates the minimum space standards within the Nationally Described Space Standards (NDSS) into the development plan. The requirement to meet these standards is further emphasised within d) and e) of Policy DM7 of CPP2.

9.9. The proposal would result in a property in HMO use with four bedrooms. The ground floor would have two bedrooms (7.8sqm and 12.7sqm) to the front of the property, whilst there would be a bathroom and kitchen/dining space (16sqm) to the rear.

9.10. At first floor there would be two further bedrooms, to the rear a single bedroom (9.9sqm) and the largest bedroom (20.5sqm). There would also be a snug/study (6.3sqm) which would serve as additional communal space for use by future occupiers. The addition of a snug/study at first floor takes the provision of communal spaces within the dwelling to 22.3sqm. It is noted that the large first floor bedroom would be more than capable of comfortably accommodating two persons.

9.11. It is considered that the bedrooms are all large enough to comfortably accommodate standard furniture (bed, desk, chair and storage furniture) with ample circulation space for an occupant to move around. Each of the bedrooms and communal spaces would have windows which would provide outlook, natural light and ventilation to future occupiers. The communal spaces are similarly served in relation to outlook, natural light and ventilation.

9.12. It is noted that whilst the applicant has provided a floor plan with an indicative layout of six persons it is acknowledged that the total communal space within the property is less than the minimum of 4sqm per person set out in the supporting text of policy DM7 of City Plan Part Two. The shortfall would be 1.7sqm. It is not considered that the communal space, which is split over two rooms is considered sufficient in respect of size and usability to acceptably accommodate six persons so a condition would be imposed restricting

occupation to five people. The largest (first floor front) bedroom would be identified as the 'double occupancy' room.

- 9.13. In addition, a condition is recommended to secure the proposed layout with the communal area safeguarded from future conversions to bedrooms without further approval from the LPA.
- 9.14. To the rear of the property there is a garden, and it is considered suitable in size for the level of occupation, in accordance with Policy DM1.
- 9.15. Overall, it is considered that the proposed layout of the property as a small HMO (five persons) would provide suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with Policies DM1 and DM7 of the City Plan Part Two.

Impact on Amenity:

- 9.16. Policy DM20 of 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.
- 9.17. The proposed change of use from a dwellinghouse to small HMO could potentially create more comings and goings from the property and in a different pattern to the existing dwellinghouse use, though it is equally noted it could host a large, intergenerational family. However, it is not considered that any additional comings and goings from a small HMO use would amount to a level of noise and disturbance that would warrant refusal of the application.
- 9.18. Accordingly, the development is considered acceptable in respect of any impacts on neighbouring amenity. The proposal complies with policy DM20 of the City Plan Part Two.

Sustainable Transport:

- 9.19. The change of use is unlikely to significantly increase trips or parking to/from the site. It is noted that there is off-street parking possible in front of the house. Cycle parking is proposed in the rear garden for four bicycles and this exceeds the minimum required for five occupiers of the proposed HMO. A condition is attached to this recommendation to secure implementation of the cycle parking as shown on the plans.
- 9.20. The Highway Authority have noted that the application site currently has a parking space to the front of the dwelling. This is not supported by a vehicle crossover and therefore it has been requested that a crossover be constructed prior to first occupation of the development is approved. The application of the condition is considered acceptable and would be supported in planning terms.
- 9.21. Accordingly, the proposal is considered to comply with policies CP9 of the City Plan Part One and policies DM33 and DM36 of the City Plan Part Two.

Other Considerations:

- 9.22. The public comments on the application have cited concerns about poor management of the property previously; it is important to note that planning permission is granted to a building or land and is not being granted to the applicant as an individual. There are other mechanisms which can deal with management and/or safety issues.
- 9.23. In terms of safety, all rented properties are required to meet the Housing Health and Safety Rating System (HHSRS), this covers basic provision of amenities and safety standards.
- 9.24. It is noted that the comments of Southern Water appear to refer to physical works at the site, however this application seeks change of use of the property only and no external works are proposed.

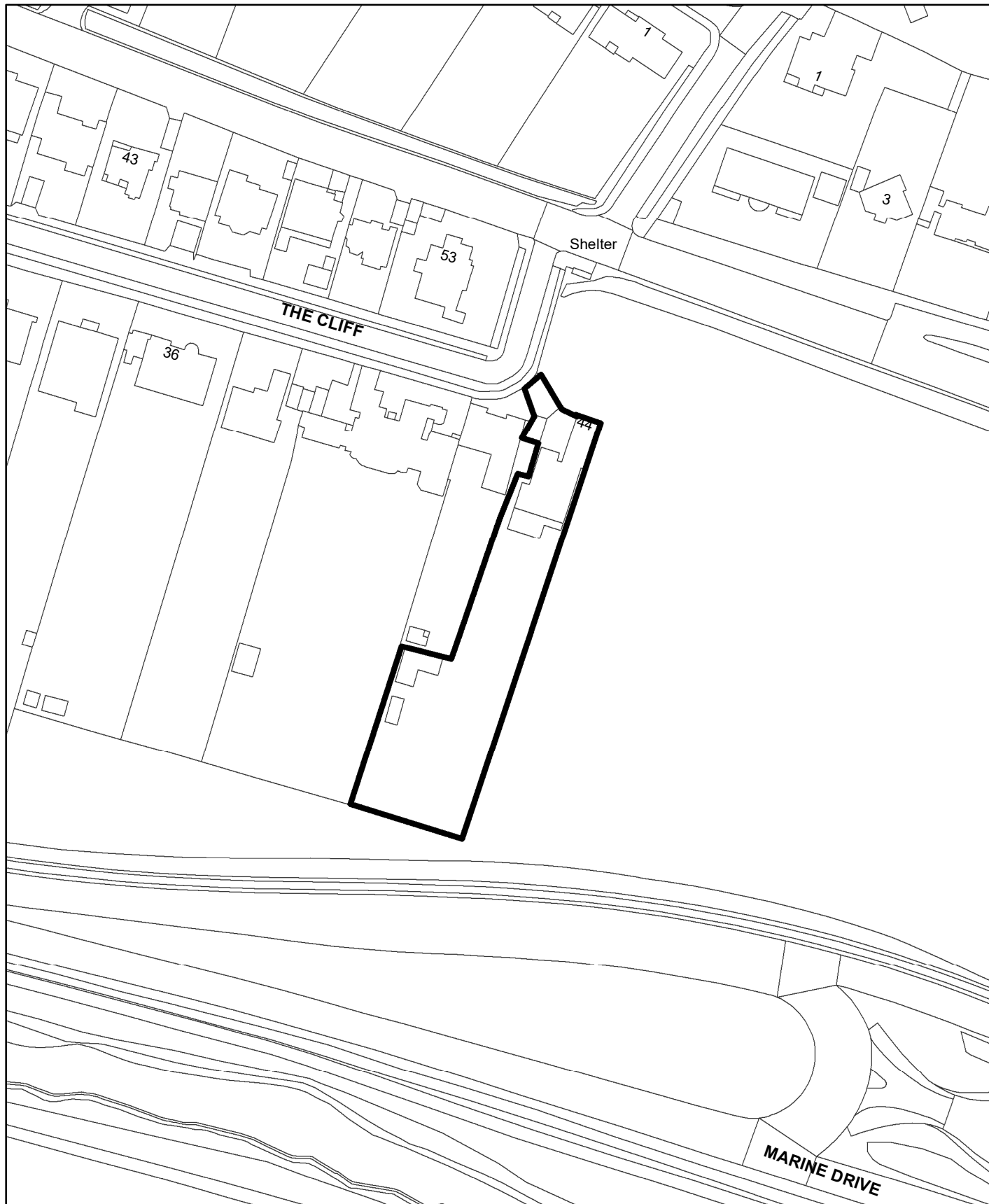
10. EQUALITIES
None identified

ITEM H

**44 The Cliff
BH2023/01414
Full Planning**

DATE OF COMMITTEE: 1st November 2023

BH2023 01573 - 44 The Cliff



N



Scale: 1:1,250

<u>No:</u>	BH2023/01573	<u>Ward:</u>	Whitehawk & Marina Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	44 The Cliff Brighton BN2 5RE		
<u>Proposal:</u>	Conversion of existing maisonette (C3) at ground and lower ground floors, to form 2no. self-contained flats (C3).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	01.06.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	27.07.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Dowsettmayhew Planning Partnership Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	Dr A Paoella C/o DowsettMayhew Planning Partnership Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	04		1 June 2023
Proposed Drawing	05	A	6 October 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 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.

4. The areas labelled as 'store' shall be used for storage only and shall at no time be used as bedrooms or other habitable accommodation.
Reason: To prevent an unacceptable standard of accommodation and to protect the amenity of future occupiers, to comply with Policies DM1 and DM20 of the Brighton and Hove City Plan Part Two.

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to a two-storey plus lower ground floor detached building on the southern side of The Cliff. The residential building is currently split into two separate residential units (planning use class C3) comprising a maisonette on the ground and lower ground floors and a flat on the first floor. The site is not listed and is not located within a conservation area, but lies approximately 150m south-east of the South Downs National Park. The rear garden of the site includes a cluster of three detached outbuildings, and a large excavated sunken garden.

3. RELEVANT HISTORY

- 3.1. **BH2022/01221** - Erection of 2no single storey log cabins in rear garden (retrospective). Refused, appeal allowed
- 3.2. **BH2022/00750** - Replacement of existing rear patio doors with bi-folding doors at lower ground floor level. Approved
- 3.3. **BH2021/03575** - Erection of a privacy glass screen along the western elevation of the rear roof terrace (Retrospective) Approved
- 3.4. **BH2021/02657** - Revised fenestration at lower ground floor level to include 2no windows to replace existing window (retrospective). Approved
- 3.5. **BH2020/02637** - Certificate of lawfulness for existing use as an independent single dwellinghouse (C3). Refused, appeal dismissed
- 3.6. **BH2019/01183** - Hard landscaping for the creation of a sunken garden. The proposals also incorporate: the extension of an existing decked area and retaining walls; and associated works. (Part Retrospective). Refused, appeal allowed
- 3.7. **89/206/F** - Erection of 3-storey building comprising 4 bedroom maisonette with 3-bedroom 'granny flat' over. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the conversion of the maisonette (C3) at ground and lower ground floor to create two self-contained flats (C3).
- 4.2. The application originally also included the retention of two of the rear outbuildings, however these were subsequently allowed on appeal (see above, ref. BH2022/01221) so no longer form part of the application.
- 4.3. Amended plans have been received during the life of the application to include a cleaning cupboard in the communal entranceway, and to increase the size of the larger bedroom in the lower ground floor flat.

5. REPRESENTATIONS

- 5.1. **Seven (7)** letters of objection have been received, raising the following points:
 - Building is let out as an HMO/party house
 - Noise disturbance
 - The rear outbuildings are subject to an appeal
 - Owner does not live in the house
 - Rubbish bins overflowing
 - Too many cars using the site
 - Proposal uses neighbouring garage
 - Outbuildings are unsightly and close to neighbouring listed garden
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Private Sector Housing:**

In the proposed LGF Flat the 2 bedrooms are accessed via an open-plan lounge/kitchen/diner. It is essential that there is adequate means of escape from both bedrooms should a fire occur without the need to pass through the lounge/kitchen area as these are considered 'high risk' rooms in case of fire.
- 6.2. **Southern Water:**

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.
- 6.3. **Sustainable Transport:** Verbal comment: No objection
 - The applicant is proposing to retain the existing garages (one for each dwelling) and this is considered acceptable. The site is located outside a CPZ.

- Parking Standards SPD14 requires a minimum of 2 cycle parking spaces for 3 - 4 bedroom dwellings. The applicant does not indicate any cycle parking spaces however, there appears to be enough space within the garages for cycle parking.
- The proposed changes are likely to increase the number of trips to the location, however this unlikely to generate enough reason for 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
CP1	Housing delivery
CP9	Sustainable transport
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM3	Residential conversions and the retention of smaller dwellings
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
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 to be provided and sustainable transport matters.

Principle of Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 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 subdivision of the maisonette would result in the creation of an additional dwelling on site at a time when the Council does not have a five-year housing supply, and this is given increased weight in accordance with the 'tilted balance' in favour of housing delivery as set out in the NPPF.
- 9.6. The existing maisonette is described on the submitted plans as having seven bedrooms.
- 9.7. The proposed subdivision of the maisonette would however engage the requirements of Policy DM3 of the City Plan Part Two, which are:
- a) *The original floor area is greater than 120sqm or the dwelling has 4 or more bedrooms as originally built;*
 - b) *At least one unit of the accommodation provided is suitable for family occupation and has a minimum of two bedrooms²; and*
 - c) *The proposal provides a high standard of accommodation that complies with requirements set out in Policy DM1 Housing Quality, Choice and Mix.*
- 9.8. The maisonette to be converted had four bedrooms as originally built, with a floor area in excess of 250sqm. DM3(a) is therefore met.
- 9.9. Both of the proposed flats would be suitable for family occupation. The lower ground floor (LGF) flat would have two bedrooms and access to the rear garden. The upper ground floor (UGF) flat would have three bedrooms and access to the rear terrace. DM3(b) is therefore met.

9.10. As will be set out later in this report, both of the proposed flats would provide an acceptable standard of accommodation in accordance with Policy DM1. DM3(c) is therefore met.

9.11. No objection is therefore raised to the proposal in principle.

Impact on Amenity:

9.12. 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.

9.13. The proposed use as two three-bedroom residential flats (C3) is considered unlikely to result in a significant increase in activity on site, or comings and goings, compared to the existing use of the maisonette. The site is located in an established residential area and the proposal would be compatible with its surroundings in terms of the nature and intensity of activity likely to take place. In terms of bedroom numbers on site (and therefore the potential maximum overall numbers of occupants) there is no increase proposed.

9.14. The concerns raised by public representations regarding noise disturbance from holiday let use are noted. It is understood that this use ceased some months ago, however the application currently under consideration is for dwelling use within planning use class C3 and must be assessed on that basis. Were holiday let use to recommence to a significant enough degree to constitute a material change of use then this would require planning permission in its own right.

Standard of Accommodation:

9.15. The proposed units would have the following dimensions:

- The LGF flat of 120sqm (plus 20sqm of space suitable only for storage), comprising two bedrooms (12.3sqm as amended and 10.2sqm), a dining area and an open-plan kitchen/living space.
- The UGF flat of 110sqm, comprising three bedrooms (18.4sqm, 18.1sqm and 14.9sqm), a living area and an open-plan dining/kitchen space.

9.16. The flats would be accessed via a communal hallway, with a cleaning cupboard (originally erroneously labelled as a w/c). The LGF flat would have access to the rear garden, whereas the UGF flat would have access to the rear terrace of 50sqm.

9.17. In terms of the internal living environment, both flats are considered to be acceptable. There would overall be good access to natural light and outlook from all habitable rooms, and space for furniture and circulation would be generous. The northern (smaller) bedroom of the LGF flat would be more restricted in terms of daylight and outlook with a retaining wall close to the only window serving this room. However given that this is an existing bedroom, and that the remainder of the LGF flat is acceptable in terms of light and outlook, this would not be considered to warrant refusal of the application.

- 9.18. Both flats would comply with the Nationally Described Space Standards (NDSS) in terms of overall internal area and ceiling heights, with the NDSS requiring a floor area of 61sqm for the LGF flat (two-bedroom, three-person), and 95sqm for the UGF flat (three-bedroom, six-person).
- 9.19. Significant concerns were originally held regarding the size and layout of the double bedroom in the LGF flat. Whilst it was recognised that it is an existing bedroom, the proposed subdivision would result in this room becoming the primary bedroom of the LGF flat and its minimal size (11.5sqm as originally proposed) and awkward proportions would have limited its functionality and versatility.
- 9.20. The amended plans would increase the size of this bedroom to 12.3sqm and improve the width of the narrowest part by the entrance door. Whilst this bedroom remains imperfect, it is recognised that on the basis of the amended plans it would comply with the NDSS and would also represent a modest improvement on the existing arrangement in terms of the useability of the space. On this basis it is considered that this bedroom can be accepted.
- 9.21. The parts of the LGF flat labelled as 'storage' would not be suitable for habitable spaces and a suitably worded condition is recommended to secure this.
- 9.22. As set out previously, both flats would have access to private outdoor amenity space. The amenity space for the lower ground floor would be overlooked from the upper ground floor terrace. However this would not be an uncommon arrangement for flatted accommodation and is considered not to warrant refusal of the application in view of the benefit arising from the provision of an additional dwelling.
- 9.23. Accordingly, both of the proposed flats would provide an acceptable standard of accommodation in accordance with Policies DM1 and DM20 of the City Plan Part Two.
- Sustainable Transport:**
- 9.24. The proposal is unlikely to significantly increase the number of trips to the site, and is unlikely to result in a significant highways impact.
- 9.25. The applicant is proposing to retain the existing garages (one space for each dwelling) and this is considered acceptable. One of the garages is understood to currently serve no. 42 The Cliff (identified as also being within the applicant's ownership) however this would not be a reason for objection in planning terms.
- 9.26. The site is not located within a Controlled Parking Zone (CPZ) and the Transport team have not raised concerns about the capacity on-street to absorb any uplift in demand.
- 9.27. Parking Standards SPD14 requires a minimum of 2 cycle parking spaces for 3 - 4 bedroom dwellings. No cycle parking is shown on the plans, however there would appear to be space within each of the garages and a suitably worded condition is recommended to secure this.

Design and Appearance:

- 9.28. No external alterations are proposed.

10. CONCLUSION

- 10.1. The proposal is considered acceptable in principle as it would comply with Policy DM3 and would result in the formation of an additional residential unit, benefiting the city's housing supply. The impact upon neighbouring amenity is considered acceptable, as is the standard of accommodation as amended. No significant concerns regarding sustainable transport are anticipated.
- 10.2. Approval is therefore recommended, subject to conditions.

11. EQUALITIES

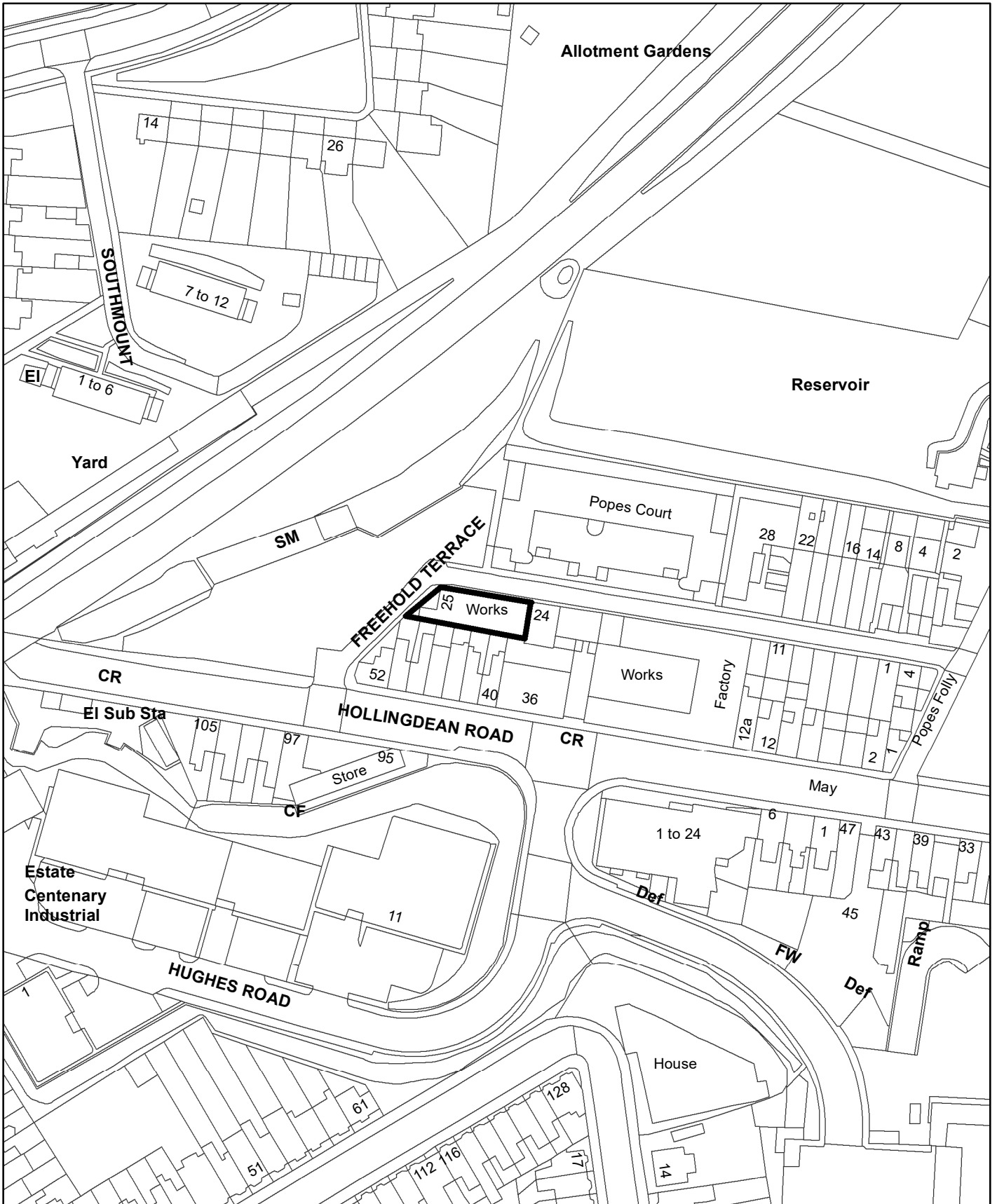
- 11.1. The proposed lower ground floor flat would not benefit from level access to the highway and is therefore unlikely to comply with M4(2) standards. This is regrettable, however there does not appear to be space on site to accommodate a ramped access of suitable gradient, and the installation of a lift would be an unreasonable requirement given the modest scale of the proposed development.

ITEM I

**25 Freehold Terrace
BH2023/02170
Full Planning**

DATE OF COMMITTEE: 1st November 2023

BH2023 02170 - 25 Freehold Terrace



N



Scale: 1:1,250

<u>No:</u>	BH2023/02170	<u>Ward:</u>	Moulsecoomb & Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Freehold Terrace Brighton BN2 4AB		
<u>Proposal:</u>	Change of use from light industrial (B1(c)) to 2no self-contained flats (C3) and 2no self-contained flats in multiple occupation (C4) incorporating a second floor extension with roof terrace, ground and first floor extensions and associated works.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	24.08.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	19.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Lee Claxton C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	0673.PL.012	B	2 August 2023
Proposed Drawing	0673.PL.010	C	11 October 2023
Proposed Drawing	0673.PL.011	C	11 October 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 DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. The flats and Houses in Multiple Occupation hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans ref: 0673.PL.010 revision C received on 11th October 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 roof terrace hereby approved shall not be first brought into use until the opaque privacy screen of 1.8 metres in height shown on drawing ref: 0673.PL.011 revision C received on 11th October 2023 has been installed. The screen shall thereafter be retained.

Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

6. The development hereby approved should achieve a minimum 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.

7. 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.

8. At least four bee bricks 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 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.

9. The development hereby permitted shall incorporate at least 4 swift bricks/boxes within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy 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.

10. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

12. The Houses in Multiple Occupation hereby approved shall only be occupied by a maximum of 5 persons for the first floor House in Multiple Occupation and 3 persons for that on the second floor.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy CP21 of the Brighton & Hove City Plan Part One and policies DM1 and DM7 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The 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.

4. 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.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

2. SITE LOCATION

- 2.1. The application relates to a purpose-built two storey commercial building comprising workshop/warehouse uses on the ground floor and storage/offices at first floor, located on the southern side of Freehold Terrace at its western end.
- 2.2. Freehold Terrace and the immediately surrounding area was historically an area which was mainly industrial in character. The area has been subject to change and redevelopment over the years, with conversions from industrial to residential. To the west of the site is a six-storey building containing student accommodation (redevelopment completed in 2019). There are residential properties to the east and south, and to the north two flatted buildings of three and four storey height.
- 2.3. Planning permission was granted in 2021 for the demolition of the existing building and the construction of a three storey building to be used as a ten-bedroom HMO (use class Sui Generis). This permission is currently extant.

3. RELEVANT HISTORY

- 3.1. **BH2022/03868** Change of use from light industrial (B1(c)) to a mixed use containing 2no commercial units (E) and 2no self contained flats in multiple occupation (C4) incorporating a second floor extension with roof terrace, ground & first floor extensions and associated works. Refused 10.02.2023 for the following reasons:
 - “1. *The proposed additional storey is not considered to be a suitably subservient or sympathetic addition to the building. The new storey would appear squat and out of proportion to the existing building, and the lack of visual interest would result in the building having a stark, dominant appearance. The choice of cladding material for the upper floor would serve to highlight it's incongruous nature. For the reasons outlined, the proposed development would cause significant harm to the character and*

appearance of the site and the wider streetscene, contrary to policy CP12 of the Brighton & Hove City Plan Part One, and policy DM18 of the Brighton & Hove City Plan Part Two.

2. *The proposed Houses in Multiple Occupation, by reason of the poor outlook available to rear facing bedrooms, and the proximity of bedroom windows to the proposed roof terrace, would offer oppressive living conditions for occupants, contrary to policies DM1 and DM7 of the Brighton & Hove City Plan Part Two.”*

- 3.2. **BH2020/01609** Demolition of existing light industrial building (B1) and erection of a three storey building in multiple occupation (Sui Generis) with 10 rooms incorporating a 2nd floor roof terrace and associated works. Approved 11.03.2021.

- 3.3. Relevant planning permissions within the immediate vicinity of the site:
BH2014/01637 - (Land 54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road Brighton)- Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (181 cluster bedrooms, 19 studios and 5 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4 storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen. Approved 06.11.2015

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the construction of an additional storey on top of the building and extensions at ground and first floor to allow a change of use to two one-bedroom self-contained flats on the ground floor and two small Houses in Multiple Occupation (HMOs) on the first and second floors, with that on the first floor having 5 bedrooms, and that on the second floor having 3 bedrooms (each in use class C4).

5. REPRESENTATIONS

- 5.1. Seven (7) letters of representation have been received objecting to the proposed development for the following reasons:
 - Overlooking/ loss of privacy
 - Overshadowing and loss of light
 - Increased parking stress
 - Pollution from traffic
 - Noise during construction
 - There is already enough student accommodation in the area
 - Inappropriate design

- Increased litter
- Impact on mobility and getting around the area

6. CONSULTATIONS

6.1. Planning Policy No objection

- Of material consideration in considering the loss of employment use is the extant planning consent BH2020/01609. The Local Planning Authority considered that appropriate evidence including marketing information had been submitted by the applicant to demonstrate redundancy and unsuitability for employment uses in accordance with Policy CP3-Employment Land. Given the consideration of loss of employment use with the extant permission the principle of change of use is considered acceptable.
- The case officer should ensure compliance with HMO policies CP21 and DM7.
- To comply with CPP2 Policy DM1, all residential units would be required to meet the minimum Nationally Described Space Standards (NDSS) and to meet the accessibility/adaptability standards in Building Reg M4(2).
- As a minor development, this scheme is not required to provide measurable BNG, as set out in the council's interim Biodiversity Net Gain Technical Advice Note

6.2. Private Sector Housing No Objection

6.3. Economic Development No Comments

6.4. Environmental Health Comment

- No objection subject to a contaminated land condition due to the former use of the building as a print works.

6.5. Sustainable Transport Team Objection

- The proposed development will result in an increase in resident/visitor pedestrian trips to/from the site via Freehold Terrace. The applicant should provide pedestrian improvements to increase the available footway width in front of the site and pedestrian crossing provision to facilitate prospective residents/visitors that will need to cross Freehold Terrace to access the northern footway to overcome highway/pedestrian safety concerns.
- Should approval be recommended, a cycle parking scheme and CEMP should be secured by condition.

7. MATERIAL CONSIDERATIONS

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

- 7.2. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.3. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove 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

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA6	Sustainable neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix
CP21	Student Housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part 2:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation (HMOs)
DM18	High quality design and places
DM19	Maximising development potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents

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

Other Documents

Developer Contributions Technical Guidance - June 2020

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposal, the standard of living accommodation offered by the HMOs, the impact on neighbouring amenity and on highways.

Principle of development

- 9.2. Policy CP1 in City Plan Part One (CPP1) sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 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 scheme brings the benefit of providing two additional housing units to the city, which would therefore make a small, but important, contribution towards the Council's housing target given the importance of maximising the use of existing sites.
- 9.6. Policy CP2 encourages sustainable economic growth in the city and policy CP3 seeks to safeguard employment sites and premises to meet the needs of the city and support job creation. Of material consideration, though, is extant permission BH2020/01609 which permits the redevelopment of the site wholly as an HMO. At the time of consideration of that application a redundancy case set out by the applicant was accepted by the Local Planning Authority. The proposed development is considered acceptable in principle given the extant permission.
- 9.7. Policy CP21 does not permit applications for HMOs where more than 10% of the dwellings within a 50m radius are already in C4 use, mixed C3/C4 use or other types of HMO in a sui generis use. City Plan Part Two Policy DM7 only permits new build HMOs where the above CP21 criteria is met, as well as other criteria including: a) fewer than 20% of dwellings in the wider neighbourhood area are

already in HMO use; b) the proposal does not lead to a non-HMO dwelling being sandwiched between 2 existing HMOs; c) the proposal does not lead to a continuous frontage of 3 or more HMOs; d) the internal and private outdoor space standards comply with DM1; and e) communal living, cooking and bathroom facilities are provided as appropriate.

- 9.8. An assessment has been carried out in accordance with CP21 which shows that there are 55 residential units within 50m of the application property as well as a detached block of student housing (Hollingdean House, 54 Hollingdean Road). Five HMOs have been identified within this radius, which is less than 10%. However, the student housing block contains 192 rooms, and the overall concentration of students and HMO residents is not accurately represented by the <10% figure, noting the intention of the policy to limit the concentration of students in an area.
- 9.9. An assessment has also been carried out in accordance with DM7. This reveals that 7.8% of properties in the wider neighbourhood area are in use as HMOs which is compliant with the aim to restrict such uses to below 20%. The development would not result in a non-HMO dwelling being sandwiched between 2 HMOs or a continuous frontage of 3 or more HMOs. Further assessment of living conditions is set out later in the report.
- 9.10. Notwithstanding some concern about the concentration of student accommodation within the immediate vicinity, in this case the extant permission for a 10-bedroom HMO is a material consideration and given that the current proposal is for a total of 8 HMO bedrooms it is not considered that the impact of the HMO uses on neighbour amenity or on the provision of mixed, healthy and inclusive communities use would be significantly different than the extant permission.
- 9.11. Overall, the loss of commercial floorspace can be accepted in this instance, and the development would contribute towards meeting the need for student accommodation/HMOs of the city. The principle of the development is considered acceptable. The acceptability or otherwise of the scheme is subject to the design, standard of accommodation, impact on neighbouring amenity and local highways network as well as matters of sustainability and biodiversity. These further considerations are set out below.

Design and appearance:

- 9.12. The application proposes an additional storey to the building as well as the infilling of the area to the western end of the site with a part two, part three-storey extension and a single storey attached bin store.
- 9.13. The proposals seek to address the reason for refusal relating to design for BH2022/03868 through the following amendments:
1. The previous application proposed contrasting materials for the additional storey to the main building. In the current application a single material will cover all elevations- painted render.
 2. The previous additional storey appeared squat, due to a lack of space around proposed windows. The current proposal includes smaller

windows, as would commonly be expected to see on higher floors of a building. This enables a better balance of solid and void, and prevents the additional storey appearing out of scale with the lower floors.

3. The application proposes some removal of architectural detail- in particular the coping stones to the existing parapet which separated the existing building from the new storey in the previous application. This helps the link between the new and existing parts of the building to flow better. An decorative inset brick panel over the ground floor fenestration is also included, which helps to break up this larger area of renderwork.
- 9.14. The proposed additional storey is considered to be of acceptable design. The overall height of the proposed development would be similar to the building approved under BH2020/01609 so is considered acceptable in principle. The new storey would relate acceptably to the building lines and scale of the lower floors and the frontage would be punctuated with appropriately designed and proportioned windows. The overall proportion of solid to void would be compatible with the existing building.
 - 9.15. The proposal is to cover the whole of the building with painted render, which is a material compatible with the locality, and would tie together the existing and new parts of the building. The inclusion of an inset brick detail would add visual interest, and help to break up the elevations together with the existing and proposed fenestration. Windows would have powder coated aluminium window frames, which would relate acceptably to the character and appearance of the building. Overall, the changes to detailing and materials are considered to overcome the reason for refusal of BH2022/03868 which related to design. Details of external materials shall be secured by condition.
 - 9.16. The two-storey addition to the western end of the building is considered acceptable in principle. It is noted that the development approved under BH2020/01609 included construction over this part of the site. The height and form of the extension is considered to relate acceptably to the wider development. A recessed stairwell is proposed over the rear part of the extension at second floor. The recess suitably serves to reduce the impact of the extension as it presents onto the street.
 - 9.17. Overall, the proposed development would not result in any significant harm to the character and appearance of the site and the wider streetscene, and would accord with policy CP12 of the Brighton & Hove City Plan Part One, and policy DM18 of the Brighton & Hove City Plan Part Two.

Impact on Neighbouring Amenity

- 9.18. Policy DM20 of the City Plan Part Two states that planning permission for development including change of use will not be granted where it would 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.
- 9.19. The overall bulk, scale and height of the extended building would be comparable to the building approved under BH2020/01609. A daylight/sunlight report was

submitted as part of that application, and is also submitted within this application. The report concludes that overshadowing of the properties/gardens to the south at numbers 36-52 Hollingdean Road would be largely unchanged as a result of the proposals, and there would be no noticeable impact for properties at 46 Freehold Terrace and Pope's Court, Freehold Terrace to the west and north of the site. There is no reason to dispute these conclusions, nor of the similar conclusions accepted under BH2020/01609 and BH2022/03868.

- 9.20. The applicant has opted to reduce the impact of overlooking from rear windows of the development towards the gardens and properties to the south on Hollingdean Road by incorporating high-level obscurely glazed windows on the rear elevation at first floor. A 1.8m tall opaque screen would prevent overlooking of/from the roof terrace which rear second floor windows/doors would look onto. The roof terrace would provide some outside space for the three bedroom (3 person) unit at second floor and the limited occupation of this unit together with the limited depth of the terrace (and screen) would ensure that the level of disturbance from this terrace would be minimal to neighbouring occupiers.
- 9.21. Subject to securing obscure glazing to the rear first floor windows and the opaque screen to the terrace, it is considered that there is means to offer sufficient mitigation against overlooking to the rear windows and gardens of properties to the south.
- 9.22. Views from windows on the front elevation facing north would be similar to existing as well as those for the development approved under BH2020/01609. This, together with the degree of separation between facing windows, is considered to represent an acceptable and not untypical arrangement of mutual overlooking.
- 9.23. The level of activity associated with the proposed residential and HMO uses is not considered significantly different to that of the existing commercial usage, or of the HMO scheme permitted under BH2020/01609. It is not considered that the anticipated level of activity for the proposed development would give rise to harmful noise and disturbance for occupiers of surrounding residential uses.
- 9.24. For the reasons outlined, the proposal would not significantly harm the amenity of neighbouring properties and would therefore be compliant with Policy DM20.

Standard of Accommodation:

- 9.25. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These space standards have been formally adopted into the Brighton and Hove City Plan Part Two- Policy DM1 can now be given full weight. Policy DM7 states that HMO accommodation should comply with the standards set out in DM1.
- 9.26. The proposed flats on the ground floor would each provide 72m² of floorspace. Each would have one bedroom of 21.5m². The proposed bedroom sizes would exceed the recommended 11.5m² in the NDSS and the overall floorspace would exceed the recommended 50m². The layout would provide ample space for

required furniture and circulation. To the front elevation, full height glazing is proposed to the bedrooms and living areas. This would be positioned behind sliding screens, with the expectation being that the screens would be open when the flat was in active use. When the screen is closed there would still be some natural light available from high level windows. Overall, it is considered that the proposed flats would have the ability to access adequate natural light and a suitable outlook. No external amenity space is proposed for the ground floor flats due to site constraints, although this arrangement is not uncommon for a development of flats. Overall, the living conditions for occupiers of the ground floor flats would be acceptable.

- 9.27. Regarding the HMOs, the submitted floor plan shows that bedrooms would exceed the recommendations of the space standard (7.5m² for a single room). The five bedroom HMO on the first floor would have an open-plan kitchen/living/dining room of 39m² and the three bedroom HMO on the second floor would have an open-plan communal space of 28.5m². The provision of communal living space is considered to be acceptable for the likely occupation level, and significantly in excess of the 4m² per occupant recommended by policy DM7, with adequate space for furniture and circulation. All bedrooms and communal living spaces would benefit from adequate natural light and outlook from windows to each of these rooms. The second floor HMO would benefit from outdoor amenity space on the proposed terrace. Occupation of the HMO accommodation shall be secured as being for single occupation of each bedroom to safeguard acceptable living standards.
- 9.28. Overall, the proposed development is considered to offer acceptable living conditions for future occupiers, in accordance with policies DM1 and DM7. To ensure retention of adequate living conditions, the development shall be conditioned to be implemented in accordance with the approved layout and retained as such permanently thereafter.

Impact on Highways

- 9.29. The new flats and HMOs would be located in a sustainable location with good public transport links and the cycle network which is positive in terms of the use of non-car transport.
- 9.30. It is noted, as raised by Highways Officers, that the existing footway surrounding the site is very narrow, to the detriment of inclusive mobility - i.e. those using wheelchairs and similar may struggle to use the path. However, this is an existing situation, which the proposed development would not worsen, so is not considered sufficient grounds to refuse the application on the basis of either road safety or highway capacity. Widening of the pavement would constrict the already narrow road width to potentially unusable levels and therefore it is not considered that this development proposal could satisfactorily resolve this existing matter.
- 9.31. Trips and parking demand associated with the new uses would not be significantly different than the extant permission for a 10-bedroom HMO.

- 9.32. The submitted floor plans show a bicycle store at ground floor. Implementation of the cycle store and the ground floor bin stores shown on the submitted floor plans shall also be secured by condition.
- 9.33. The proposed development is considered acceptable in terms of its impact on highway capacity and road safety.
- 9.34. Given the scale of the proposed development, it is not considered appropriate to secure a Construction Environment Management Plan (CEMP) by condition. It is noted that a CEMP was not sought for extant permission BH2020/01609 which included demolition and new-build development on the site, and there is no new justification to seek the same here.

Landscaping, Biodiversity and Sustainability

- 9.35. Energy and water efficiency standards in accordance with Policy CP8 and Policy DM44 can be secured through suitably worded conditions.
- 9.36. There is little opportunity for landscaping of this development due to site coverage. The lack of planting on site is not considered unacceptable given this and the similarity of the existing arrangement.
- 9.37. City Plan Part One Policy CP10, City Plan Part Two Policy DM37 and SPD11 require development to provide net gains for biodiversity and this can be achieved through the provision of bee and swift bricks or boxes. Such a provision shall be secured by condition.

Conclusion and Planning Balance

- 9.38. The proposals would provide additional HMO accommodation for the city as well as providing 2 new flats. As such, the development provides types of accommodation for which there is an identified need in the city. It is noted that there is extant permission for a new building on this site for use as a 10-bedroom HMO, the permitted building would be similar in height and bulk to the enlarged building proposed in this application. The external alterations, including the provision of an additional storey, are considered appropriately designed and detailed, and would not detract from the character and appearance of the building or the wider streetscene. Furthermore, the HMOs and flats would all provide adequate living conditions for future occupiers.

10. CLIMATE CHANGE / BIODIVERSITY

- 10.1. The works make more efficient use of the site and conditions can be used to ensure the development meets efficient standards in energy and water consumption. Net gains for biodiversity can be achieved through the provision of swift bricks or boxes secured by a planning condition.

11. COMMUNITY INFRASTRUCTURE LEVY

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

12. EQUALITIES

- 12.1. Level street access to the HMO uses cannot be achieved. This is considered acceptable given the physical constraints of the site. Level access is available to the ground floor flats.

PLANNING COMMITTEE

Agenda Item 56

Brighton & Hove City Council

NEW APPEALS RECEIVED 07/09/2023-04/10/2023

WARD

HANGLETON & KNOLL

APPEALAPPNUMBER

BH2022/02654

ADDRESS

93 Applesham Avenue Hove BN3 8JN

DEVELOPMENT DESCRIPTION

Conversion of detached rear annexe to create 1no. one-bedroom dwellinghouse (C3) including erection of a single-storey front extension, creation of garden with cycle and bin store, new boundary treatment and associated alterations. Demolition of existing garage.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

28/09/2023

APPLICATION DECISION LEVEL

Delegated

WARD

HOLLINGDEAN & FIVEWAYS

APPEALAPPNUMBER

BH2023/00133

ADDRESS

236 Ditchling Road Brighton BN1 6JF

DEVELOPMENT DESCRIPTION

Erection of single storey double garage on land to rear of existing dwelling fronting Ditchling Gardens.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

03/10/2023

APPLICATION DECISION LEVEL

Delegated

WARD

MOULSECOOMB & BEVENDEAN

APPEALAPPNUMBER

BH2022/03526

ADDRESS

Willingdon Road, Opposite Sunnyside 67
Eastbourne Road Brighton

DEVELOPMENT DESCRIPTION

Installation of 15m high telecommunications monopole supporting 6no antennas, with wraparound equipment cabinet at base, 2no equipment cabinets, 1no electric meter cabinet and ancillary development thereto.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

19/09/2023

APPLICATION DECISION LEVEL

Delegated

WARD

REGENCY

APPEALAPPNUMBER

BH2022/02958

ADDRESS

10 East Street Brighton BN1 1HP

<u>DEVELOPMENT DESCRIPTION</u>	Change of use of space above rear of existing shop (E) to 2no one-bedroom flats (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	11/09/2023
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	14 Montpelier Crescent Brighton BN1 3JF
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/09/2023
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

<u>WARD</u>	WEST HILL & NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2022/02722
<u>ADDRESS</u>	17 Buckingham Road Brighton BN1 3RH
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and erection of a detached two storey plus basement, one bedroom dwelling (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	20/09/2023
<u>APPLICATION DECISION LEVEL</u>	Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

Planning Application No	<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>

PLANNING COMMITTEE

Agenda Item 58

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 20/09/2023 AND 17/10/2023

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

GOLDSMID

APL2023/00054

2 Osmond Road Hove BN3 1TE

Retention of temporary storage shed for a period of a further 18 months. (Retrospective)

Full Plan Minor Com-against refusalP1FastTk

APPEAL DISMISSED

BH2022/03766

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

QUEEN'S PARK

APL2022/00078

Olivier House 18 Marine Parade Brighton BN2 1TL

Partial change of use of basement floor from office use (E) to 2no. two-bedroom residential units (C3) with alterations to include replacement of rear windows with doors, demolition of an existing toilet block, cycle storage and associated works.

Against Refusal

APPEAL DISMISSED

BH2021/04506

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

REGENCY

APL2023/00021

Oriental Hotel 9 Oriental Place Brighton BN1 2LJ

Partial change of use from hotel (C1) to 1no four-bedroom maisonette (C3) at upper floor levels and creation of events space at ground floor level with 2no hotel rooms (C1) retained.

Against Refusal

APPEAL DISMISSED

BH2021/04392

Delegated

WARD

APPEAL APPLICATION NUMBER

ROTTINGDEAN COASTAL

APL2023/00047

Grass Verge At Bazehill Road Bazehill Road

ADDRESS

Rottingdean Brighton BN2 7DB

DEVELOPMENT DESCRIPTION

Installation of 15m high slim line telecommunications monopole supporting 6no antennas, 1no wraparound equipment cabinet at the base of the monopole, 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

BH2022/03473

APPLICATION DECISION LEVEL

Delegated

WARD

SOUTH PORTSLADE

APPEAL APPLICATION NUMBER

APL2023/00028

ADDRESS

10 Garden Close Portslade BN41 1XL

DEVELOPMENT DESCRIPTION

Prior approval for the erection of an additional storey to form a first-floor extension.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/03376

APPLICATION DECISION LEVEL

Delegated

WARD

WISH

APPEAL APPLICATION NUMBER

APL2023/00017

ADDRESS

46 Grange Road Hove BN3 5HU

DEVELOPMENT DESCRIPTION

Appeal against

APPEAL TYPE

Against Enforcement Notice

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

Not Assigned

APPLICATION DECISION LEVEL

WARD

WITHDEAN

APPEAL APPLICATION NUMBER

APL2023/00056

ADDRESS

280 Dyke Road Brighton BN1 5BA

DEVELOPMENT DESCRIPTION

Extension of existing basement and conversion at ground floor to form 1no. one-bed flat (C3) and 1no. two-bed maisonette (C3). Demolition of existing garage and creation of new parking space.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2022/03675
APPLICATION DECISION LEVEL Delegated

WARD **WITHDEAN**
APPEAL APPLICATION NUMBER APL2023/00063
ADDRESS Grass Verge Opposite 46 Copse Hill Brighton
DEVELOPMENT DESCRIPTION BN1 5GA
Installation of 15m high telecommunications monopole supporting 6no antennas, with wraparound equipment cabinet at base, 2no equipment cabinets, 1no electric meter cabinet and ancillary development thereto.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2022/03525
APPLICATION DECISION LEVEL Delegated

WARD **WOODINGDEAN**
APPEAL APPLICATION NUMBER APL2022/00102
ADDRESS 174 Cowley Drive Brighton BN2 6TD
DEVELOPMENT DESCRIPTION Appeal against
APPEAL TYPE Against Enforcement Notice
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL Not Assigned
