



**Brighton & Hove  
City Council**

# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>8 November 2017</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 4AH</b>
Members:	<p><b>Councillors:</b> Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morris and Russell-Moyle</p> <p><b>Co-opted Members:</b> Conservation Advisory Group Representative</p>
Contact:	<p><b>Cliona May</b> Democratic Services Officer 01273 29-1065/29-1354 planning.committee@brighton-hove.gov.uk</p>



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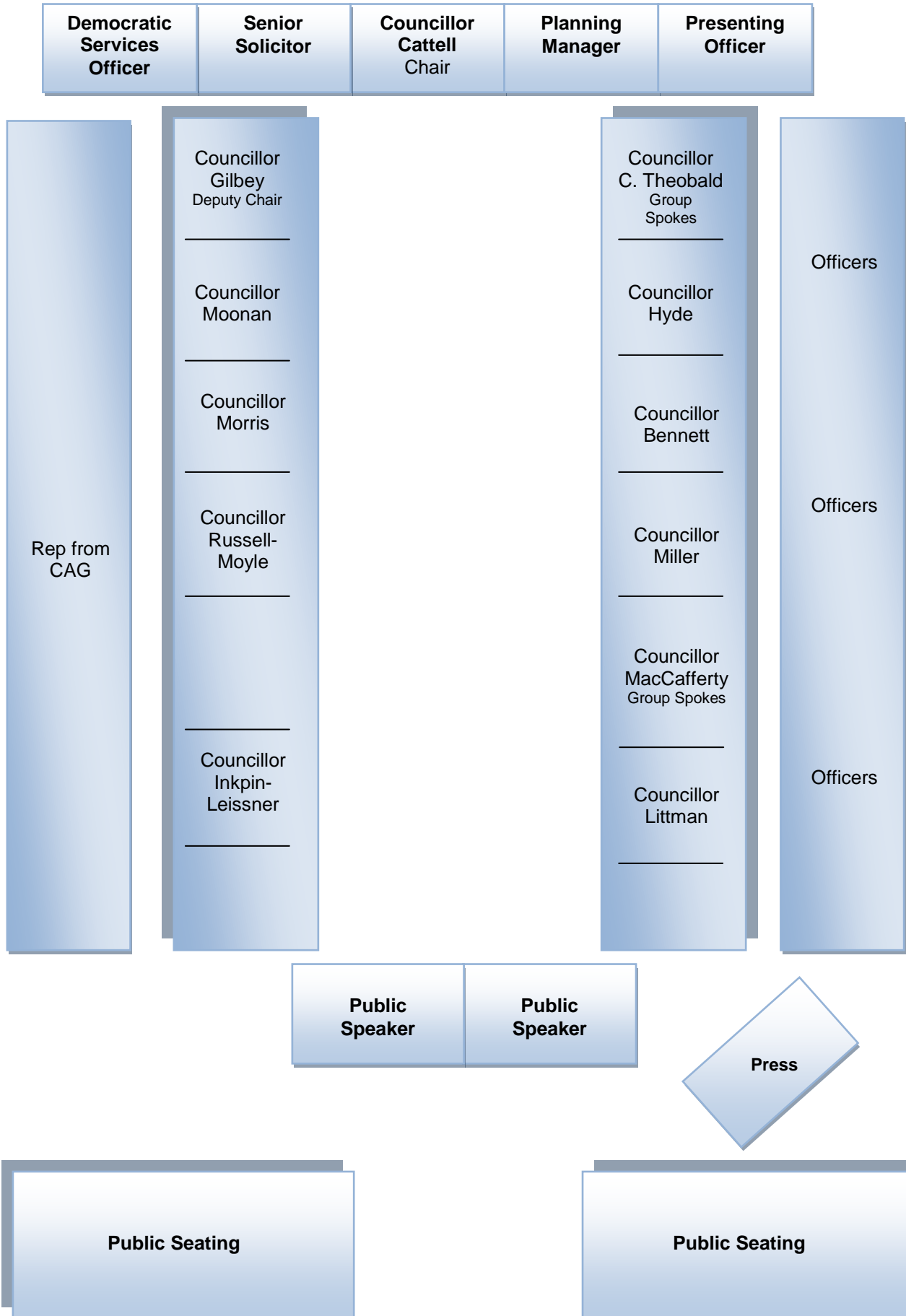
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# Democratic Services: Planning Committee



## AGENDA

### 65 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.*

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

## PLANNING COMMITTEE

### 66 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 11 October 2017 (copy to follow).

### 67 MINUTES OF MEETING: 27 SEPTEMBER 2017

1 - 24

Minutes of the meeting held on 27 September 2017 (copy attached)

### 68 MINUTES OF MEETING: 13 SEPTEMBER 2017

25 - 60

Minutes of the meeting held on 13 September 2017 (copy attached)

### 69 CHAIR'S COMMUNICATIONS

### 70 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 1 November 2017.

### 71 BRITISH AIRWAYS I360, LAND AT AND ADJACENT TO WEST PIER AND 62-73 KINGS ROAD ARCHES, KINGS ROAD, BRIGHTON

61 - 64

Report of the Executive Director Economy, Environment and Culture (copy attached).

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

### 73 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 BH2017/01108 - Site Of Sackville Hotel, 189 Kingsway, Hove - Full Planning 65 - 96

Erection of 5 to 8 storey building to provide 60no residential dwellings (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville gardens, 21no basement car parking spaces, 6no ground floor car parking spaces, cycle parking, plant and associated works.

#### **RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Westbourne*

## PLANNING COMMITTEE

- B BH2017/02583 - Victoria Gardens North And South, Grand Parade, St Peter's Church, York Place (Valley Gardens), Brighton - Full Planning 97 - 122**
- Hard and soft landscaping works to Victoria Gardens North and South and grounds of St Peters Church, including creation of public square to front of St Peter's Church, relocation of car parking spaces to North of church, new cycle routes and pedestrian paths, lighting and associated works.  
**RECOMMENDATION – MINDED TO GRANT**  
*Ward Affected: St. Peter's & North Laine*
- C BH2017/01665 - Whitehawk Clinic, Whitehawk Road, Brighton - Full Planning 123 - 152**
- Demolition of Clinic building (D1) and erection of a 4 storey building over basement containing 38no dwellings (C3), 18no parking spaces, cycle parking and associated landscaping.  
**RECOMMENDATION – MINDED TO GRANT**  
*Ward Affected: East Brighton*
- D BH2016/05107 - Car Park and The Bridge Community Education Centre, Former Falmer High School, Lucraft Road, Brighton - Full Planning 153 - 168**
- Use of existing car park in connection with events taking place at the American Express Community Stadium and retention of existing building accommodating The Bridge Community Education Centre for a temporary period of 4 years.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Moulsecoomb & Bevendean*
- E BH2017/01817 - Lansdowne Place Hotel, Lansdowne Place, Hove - Removal Or Variation Of Condition 169 - 188**
- Variation of condition 3 of application BH2014/00093 (Part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert existing hotel (C1) to 47no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works. (Revised Design)) to allow amendments to approved drawings.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Brunswick & Adelaide*

### MINOR APPLICATIONS

- F BH2017/02273 - 85 Rotherfield Crescent, Brighton - Full Planning 189 - 202**
- Erection of 1no three bedroom dwelling (C3) adjoining existing property including creation of new crossovers and associated alterations.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Patcham*

## PLANNING COMMITTEE

- G BH2017/02137 - Land To Rear Of 62-64 Preston Road, Brighton - Full Planning** **203 - 216**
- Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations.  
**RECOMMENDATION – REFUSE**  
*Ward Affected: Preston Park*
- H BH2017/02434 - 110 Auckland Drive, Brighton - Full Planning** **217 - 230**
- Change of use from three bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4) with alterations to existing side extension and creation of cycle storage.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Moulsecoomb & Bevendean*
- I BH2017/02836 - 150 Heath Hill Avenue, Brighton - Full Planning** **231 - 244**
- Change of use from four bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4), with associated internal alterations.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Moulsecoomb & Bevendean*
- J BH2016/06421 - 9 Baywood Gardens, Brighton - Full Planning** **245 - 254**
- Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis).  
**RECOMMENDATION – GRANT**  
*Ward Affected: Woodingdean*
- K BH2017/02176 - 1 Furzedene, Furze Hill, Hove - Full Planning** **255 - 268**
- Erection of 1no three storey house (C3) adjoining existing house.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Goldsmid*
- L BH2017/02732 - 9 Hillside Way, Brighton - Removal or Variation Of Condition** **269 - 276**
- Application for variation of condition 1 of application BH2016/06527 (Creation of roof extension with raised ridge height and rear dormers.) to allow amendments to the approved drawings.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Withdean*

## PLANNING COMMITTEE

- M BH2017/02736 - 9 Dyke Close, Hove - Householder Planning Consent 277 - 286**

Erection of single storey rear extension with rooflights, first floor side extension, roof alterations incorporating front and side rooflights and rear dormer.

**RECOMMENDATION – GRANT**

*Ward Affected: Hove Park*

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

### INFORMATION ITEMS

- 75 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 287 - 288**

(copy attached)

- 76 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

(copy to follow)

- 77 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 289 - 296**

(copy attached).

- 78 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 297 - 298**

(copy attached).

- 79 APPEAL DECISIONS 299 - 352**

(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/index.cfm?request=c1199915>

## PLANNING COMMITTEE

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065/29-1354, email [planning.committee@brighton-hove.gov.uk](mailto:planning.committee@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

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**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****1.00pm 27 SEPTEMBER 2017****COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 4AH****MINUTES**

**Present:** Councillors Cattell (Chair), Mac Cafferty (Group Spokesperson), Hyde, Janio, Littman, Meadows, Miller, Moonan, Morris and Robins

**Co-opted Members:** Mr R Amerena, CAG

**Officers in attendance:** Paul Vidler, Planning Manager, Major Projects; Mick Anson, Principal Planning Officer; Sarah Collins, Principal Planning Officer; Tim Jefferies, Principal Planning Officer, Policy Projects and Heritage; Steve Tremlett, Principal Planning Officer, Policy Projects and Heritage; Liz Hobden, Head of Planning; Max Woodford, Assistant Director, City Development and Regeneration; Emma Kumar, Empty Property Officer; Sam Rouse, Senior Technical Officer, Environmental Protection; Steven Shaw, Development and Transport Assessment Manager; Hilary Woodward, Senior Solicitor and Penny Jennings, Democratic Services Officer

**PART ONE****51 PROCEDURAL BUSINESS****51a Declarations of Substitutes**

51.1 Councillor Robins stated that he was in attendance in substitution for Councillor Gilbey. Councillor Meadows stated that she was in attendance in substitution for Councillor Russell-Moyle. Councillor Janio stated that he was in attendance in substitution for Councillor C Theobald.

**51b Declarations of interests**

51.2 Councillor Meadows explained that the Moulsecoomb and Bevendean LAT of which she was Chair had received a presentation in respect of the scheme in February 2017, she had not however expressed a view in respect of the scheme, remained of a neutral mind and would therefore remain present at the meeting during consideration and determination of the application.

51.3 Councillor Miller stated that he lived in close proximity to the application site. He had not expressed a view in respect of the scheme, remained of a neutral mind and would

therefore remain present at the meeting during consideration and determination of the application.

51.4 Councillor Mac Cafferty stated that he had attended South Eastern Region Design Panel meetings at which presentations had been given in respect of this application and pre-application presentations. He had not expressed a view in respect of the scheme, remained of a neutral mind and would therefore remain present at the meeting during consideration and determination of the application. The Chair, Councillor Cattell, also, Councillor Morris confirmed that they had also attended the meetings referred to by Councillor Mac Cafferty, that they too remained of a neutral mind and would therefore remain present at the meeting during consideration and determination of the application.

#### **51c Exclusion of the press and public**

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

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

#### **51d Use of mobile phones and tablets**

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

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

#### **53 BH2017/00492, PRESTON BARRACKS, MITHRAS HOUSE, WATTS BUILDING, LEWES ROAD, BRIGHTON - FULL PLANNING, OUTLINE APPLICATION, WATTS PARCEL**

**Preston Barracks Parcel** (Full application) Demolition of existing buildings and construction of (B1) 7 storey Central Research Laboratory, Student Accommodation (Sui Gen) providing 534 bed spaces within 3 blocks of 13, 11 and 15 storeys, 369 (C3) residential units in 8 Blocks with a range between 2 and 10 storeys with associated ancillary development, parking, public realm works and landscaping.

**Mithras Parcel** Demolition of existing building (Steam House) and construction of a mixed use Campus Development consisting of Student Accommodation (Sui Gen cluster flats) providing 804 bed spaces within five blocks, Block 1 (10 storeys), Block 2 (18 Storeys), Block 3 (10 storeys), Block 4 (12 storeys) and Block 5 (9 storeys), 596 sq. m of services including students union and welfare facilities (Sui Gen), 898 sq. m (GIA) gymnasium (D2), and associated ancillary development, including provision of 13

disabled parking spaces serving the student accommodation, cycle parking, public realm works and landscaping improvements.

**Lewes Road** Installation of new signalised crossroads and T Junction, pedestrian crossings and footway improvements, erection of pedestrian and cyclists bridge crossing Lewes Road.

**Watts Parcel** (Outline Application) Removal of existing Watts House temporary building and erection of a 6 storey (D1) Academic Building for a Business School consisting of 6,400 sq. m of floor space, linked canopy and provision of 600 space multi storey car park to the rear (maximum 8 storey equivalent height) with associated ancillary development, including provision of cycle parking, access and servicing road, public realm and landscaping improvements.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.

### **Officer Presentation**

- (2) The two Principal Planning Officers, Mick Anston and Sarah Collins gave a joint presentation delineating the constituent elements of the scheme by reference to detailed plans indicating the four separate parcels of land which made up the scheme and was also effected by reference to elevational drawings, contextual drawings providing views across the site(s), photographs, indicative drawings and photomontages, also the existing and proposed boundary layout. Slides detailing proposals including the following were shown: Preston Barracks: East elevation, Lewes Road, showing the 7 storey Central Research (CRL); part 9/10 block A with ground floor retail A1/A3 uses and student blocks 6 and 7 of 13 and 11 storeys and a section of the proposed pedestrian bridge across Lewes Road ; West elevation to the Furlong (rear elevation of the Lewes Road frontage); East Elevation along the Furlong; East elevation to the Field; West elevation to the Field, rear of student block 8 and blocks B to D; East elevation, Saunders Park View; the West elevation: South elevation; North elevation, blocks A and B, CRL, Block C and F South elevation; Level 1; Level 3; Level 6 and Level 15 (roof); Watts Parcel (including the canopy to the frontage); Sections 1, 2 and 3 of the car park; Mithras Site (5 towers, 10, 18, 10, 12 and 9 storeys connected by a 2 storey podium with 804 student cluster rooms, student facilities and gym; ground floor uses (student union, welfare facilities and gym) were also shown. It was noted that on this element of the site student accommodation was provided from first floor level but there were no links between the towers internally. Typical floor layouts were shown and advice given that plant located a roof level would be hidden from view behind the parapet. Also shown was; location of parking spaces across all of the site(s) including disabled parking spaces for students and visitor spaces, podium level changes and bridge; proposed building materials and landscaping; the proposed highway layout. Reference was made to the Additional/Late Representation List, to additional representations received and recommended amendments to the Conditions and Informatives set out in the circulated report.
- (3) In relation to the landscaping proposals it was explained that the Landscape Masterplan had been designed to provide a series of linked spaces addressing the significant level changes across the site. Wherever possible, hard landscaping had been interspersed with trees and raised planters, and the public open spaces had been designed to allow

for informal play and flexible uses. New trees were proposed on the Preston Barracks site along Lewes Road, the Furlong shared space would provide alternative pedestrian routes to Lewes Road and Saunders Park View, with a central area for informal play and seating; the Field would have private and communal areas and Saunders Park View would be extended but would remain a cul de sac with pedestrian access to the north. The Watts site Business School Square would have a shared space which would link with the Preston Barracks site and bridge. It was intended that paving materials around the Business School would reflect the angular design of the external canopy planned to connect to the campus buildings; hedge planting and trees would soften the entrance and service road; the majority of the existing trees on the Lewes Road frontage were to be retained. Existing trees to be retained, existing trees to be removed and new trees proposed were indicated. The hard landscaping materials to be used across all 3 development areas were intended to provide continuity and a sense of place.

- (4) This represented a key site identified in the City Plan for regeneration under Policy DA3 to go towards meeting the City's housing and employment needs during the Plan period as well as contributing towards the bringing forward of modern University academic and research facilities and purpose built student accommodation for which an under provision had been identified in the City Plan. The Lewes Road corridor had also been identified under policy CP21 as being a suitable location for modern well managed student accommodation along this sustainable transport corridor linking the City's two Universities. The site had been vacant and underutilised for a number of years and the supported funding of £7.7m from the Local Enterprise Partnership would be available for a limited period.
- (5) The proposal was part full and part outline and would provide 369 residential units and 534 student bed spaces on the Preston Barracks site together with 4,600 sqm mix of retail and workshop space. On the Mithras Site 804 student bed spaces were proposed with student facilities and a gym. On the Watts site a 551 space multi storey car park and 6,400sqm Business School were proposed.
- (6) Officers had requested a viability assessment covering all of the parcels comprised by the application site, but the one submitted with the application only related to the Preston Barracks site. The applicants had explained that this was due to the different and distinct funding structures of the two applicants. Officers had therefore requested that the University commit to the financial contributions required in mitigation of the Watts and Mithras development proposals, this amounted to £991,580. The viability assessment for the Preston Barracks site had been scrutinised independently by the District Valuer who had been in agreement that 15% affordable housing and £1.5 m financial contributions were the maximum which could viably be offered. This represented a shortfall of £750, 723 and officers considered that the most appropriate response would be to reduce those contributions which were considered to be of lower priority in terms of planning policy objectives and to maintain those contributions which were required for direct mitigation of the impact of the development, such as sustainable transport. It should also be noted that officers had negotiated a reduction to the levels of car parking originally proposed. The scheme recommended for approval comprised 156 spaces in the podium car park on the Preston Barracks site and 551 spaces in the multi-storey car park on the Watts site. During the course of the application the multi-storey car park had been reduced from 600 spaces to 551 as a result of negotiation between officers and the applicants.

- (7) In conclusion, it was recognised that Preston Barracks had been vacant and underused for a number of years due to difficulties in identifying a viable scheme, capable of providing key employment and housing needs as well as providing a new phase in the provision of much needed University academic and student accommodation on site which would meet modern requirements and provide a high quality design approach and addressing the transport and infrastructure needs of the neighbourhood and Lewes Road corridor. The City Plan and Development Brief had anticipated a very high density development featuring some very tall buildings which would result in challenging environmental impacts to be addressed. A key factor had been the need to provide a viable development which could be implemented whilst seeking to meet the City Plan policy requirements, in particular employment and affordable housing needs. The balance of different floor space for different uses had been challenged and independently tested and it had been accepted that there was an identified need for the amount of residential, employment and student accommodation proposed.
- (8) Some environmental impacts of the proposal had been mitigated, in particular the layout and design of the tall buildings had evolved and been amended in order to reduce their impact on the townscape and in the immediate neighbourhood. It was acknowledged that there would be minor harmful visual impacts but not substantially so and on balance they were considered to be acceptable. The impacts on sunlight and daylight had also been mitigated and changes made to enhance the quality of the new accommodation whilst the site layouts took account of neighbouring dwellings at the design stage to minimise the impact overall. The scheme would provide acceptable daylight and sunlight into the public spaces with acceptable climatic conditions confirmed by the BRE.
- (9) In relation to the transport proposals in particular the parking provision had been reduced and the reinstatement of key elements of the Lewes Road corridor following negotiations were now considered to be acceptable. Additional parking for Preston Barracks itself would be significantly below the maximum policy standards and there would be no increase in university parking except for disabled bays. This would result in a sustainable development which would be less reliant on parking and car journeys with options for sustainable transport use with over 1000 cycle parking spaces, bike share and car share provision, motorbike spaces together with a Travel Plan and parking management for the proposed main car parks proposed.
- (10) Air quality impacts would not threaten the air quality strategy north of the site and had been mitigated by a series of measures including parking space reduction, ultra low NOx, CHP and additional Electric Charging Points on site and the Air Quality Officer had indicated that they considered the proposals to be acceptable. Therefore given that the overall benefits arising from regeneration of this site it was recommended that Minded to grant planning permission be given subject to the conditions and planning obligations set out in the report and the Additional/Late Representations List.

### **Public Speakers**

- (11) The Chair, Councillor Cattell, stated that before calling forward those who were registered to speak she wished to refer to a submission received from Chris Todd representing Friends of the Earth who had submitted an objection to the application,

which had been circulated to Members of the Committee; she had also arranged for paper copies to be made available for any substitute members. Mr Todd had requested to speak, however the Protocol for Public Speaking did not permit this and it was important to adopt a consistent approach when considering applications. As Chair, she was satisfied however, that as a result of having had the opportunity to read the letter, Members were aware of the views expressed by Friends of the Earth. The relevant officers were in attendance to respond to any questions by Members in relation to parking or air quality.

- (12) Ms Bengé spoke in her capacity as a local resident setting out her objections and those of other nearby residents to the scheme. Whilst redevelopment of the site was welcomed some of the blocks were very high, excessively so in her view, particularly those which would be located nearest to Saunders Park View, which would also be located in very close proximity to the neighbouring residents who would be overshadowed and overlooked. It was considered that the height of these blocks could have been redistributed across the site overall. The height of that element of the scheme would compromise the amenity and privacy of neighbours and would also impact on the levels of daylight/sunlight. The level of student accommodation to be provided to that part of the site would be detrimental to those families living nearby, they would not benefit from the proposals. Saunders Park View was currently a quiet cul-de-sac, if approved those living there would have 300 new neighbours.
- (13) Ms Barkaway spoke on behalf of the Coombe Road Area Local Action Team (LAT) setting out their objections to the scheme. Ms Barkaway explained that the local community was becoming increasingly concerned at the concentration of student accommodation in the vicinity. There were already a number of Houses in Multiple Occupation in the vicinity, primarily occupied by students. The increase in student numbers here would further exacerbate the existing problem. Local residents were becoming overwhelmed by this transitory community. It made greater sense to encourage a more even distribution of its student population across the city as a whole. Additionally, there were concerns in with regard to the level of vehicle movements and on-street parking which would be generated. There would inevitably be an impact on the local road network and residents were anxious to be included in a Controlled Parking Zone. Residents would bear the brunt of any negative impacts arising from a major scheme and they were concerned that for them any benefits did not outweigh those negative factors. They considered that greater head needed to be paid to the issues flagged up by residents.
- (14) Mr Taylor, the Commercial Planning Manager for Sussex and Surrey Police spoke on behalf of the Police detailing their concerns in respect of the scheme. He referred to a letter prepared by the Police and Crime Commissioner (who was in attendance at the meeting), and which had been circulated immediately prior to the meeting which set out the Police's position in terms of seeking developer contributions under the s106 in order to address the additional policing requirements which would arise from this hybrid planning application. The 369 new homes and 1,338 student bedrooms proposed would place a significant additional burden on police resources within the city.
- (15) The Police had adopted a revised approach to seeking developer contributions which sought to resolve all issues raised in the past with local planning authorities including

Brighton & Hove City Council and followed a nationally adopted methodology to ensure compliance with CIL regulations. The Committee were asked to take into account the substantial weight of legal evidence (instances of decisions of Planning Inspector's relating to various local authorities country wide were cited), which supported the principle of developer contributions towards policing. A 16 page letter had been submitted to the Council dated 22 March 2017 which had provided a detailed methodology in addition a High Court judgement in favour of contributions towards policing issued in November 2016. There was a clear link between population growth and demands on the police service and investment was needed to invest in the infrastructure of the police base at John Street in Brighton and to strengthen front-line policing. The police were concerned that this was being overlooked.

- (16) The local authority had a duty to support the infrastructure needed for the increase in population and it was considered that if no support was provided towards additional police infrastructure this application would fail to meet the requirements of the National Planning Policy Framework to secure sustainable development and would negatively impact on the ability of the police to provide a safe and appropriate level of service and to respond to the needs of local communities effectively. Mr Taylor cited a number of decisions of the Planning Inspectorate where the local planning authority had been directed to allocate s106 funding towards or to cover the cost of additional/local neighbourhood policing arising from a development.
- (17) Members sought clarification and had a number of questions for Mr Taylor and for ease of reference these have been summarised separately below in paragraphs 20 to 30.
- (18) Councillor Hill spoke in her capacity as a Local Ward Councillor in support of the scheme. Councillor Hill stated that she supported the application in general terms, Preston Barracks had been unused for many years and the city needed to make use of this key open space to provide much needed housing and business space. The provision of student housing on this site, alongside general and affordable housing was also supported, it accorded with council policy and would help to address the chronic shortage of student housing for University of Brighton students and would also help to alleviate some of the pressure on residential areas which was leading to overdevelopment of HMOs. It was important therefore to specifically protect the general housing on site from being used for student accommodation. The use of tall buildings was also supported although it needed to be recognised that it would impact on local residents by making the area more built up. In order to address that potential negative impact it was important to ensure that there was good open space provision. Traffic Management issues need to be fully addressed and use of sustainable transport positively encouraged.
- (19) Ms Humphris, Vice Chancellor of Brighton University spoke on behalf of the applicant in support of their application accompanied by Mr Hoskins who also sought to address the concerns raised by objectors and to answer questions. The applicant was also attended by the specialist team who had been engaged in preparation of the application in order to answer any detailed technical questions put by Members.
- (20) Ms Humphris explained that the applicants had worked with officers since the inception of the current Master Plan in 2012 and were pleased to commend this scheme to

Members for approval. It represented an opportunity to significantly improve the offer currently available to students making the University campus a more vibrant hub which would provide a vibrant new neighbourhood with good public realm improvements and improved connectivity and employment opportunities. The applicants considered this to be a landmark development and were pleased to be instrumental in helping to create a new community which the city could be proud of.

### Questions of Police Representative

- (20) The Planning Manager, Major Planning Applications, Paul Vidler suggested that if Members were minded that officers revisit the constituent sums allocated under the s106, in order that the Police receive a sum towards policing costs associated with the scheme, they did not agree a figure at this meeting but that they authorise officers to suggest any changes to the sums currently suggested as/if appropriate and for those to be agreed in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
- (21) The Planning Manager, Major Planning Applications, Paul Vidler, went on to explain that irrespective of the decision taken by the Committee in respect of this application officers would be arranging a separate meeting with Police representatives in order to consider whether/how it might be appropriate to amend existing s106 policy in order for changes to be made to the current formula used when considering applications.
- (22) Councillor Moonan sought clarification that if approval was given to provide funding towards policing in the vicinity of the site, it would be used directly within the neighbourhood in which this site was located and the purposes to which it would be put. Mr Taylor explained that any money allocated would be placed into a central "pot" but would be used to off-set additional policing requirements which would arise as the result of the additional number of residents moving into the area if the scheme was approved. The sum requested would be made available to the Moulsecoomb Policing Team.
- (23) Councillor Miller also sought clarification of the sum requested and it was explained that the sum of £217,000 was requested in order to cover the capital costs needed to service these additional policing requirements. Councillor Miller considered that it was germane to know whether all of the local planning authorities approached Loc
- (24) Councillor Morris requested a breakdown of the sum referred to as he did not understand how that was made up. Mr Taylor explained that an itemised breakdown of the figure requested was set out in the paperwork which had been circulated to Committee Members. He wished to understand the level of funding proposed towards site specific things in association with this scheme. Councillor Morris stated that notwithstanding the responses given he remained confused regarding the figures given and why they appeared to be so high.
- (25) Councillor Littman concurred with the views expressed by Councillor Morris, in that he also considered the figures quoted to be very high and found it difficult to understand how they had been arrived at. Whilst reference had been made to instances when the Planning Inspectorate had directed the local planning authority to allocate s106 monies



towards local policing it would be helpful to know whether this had been so in all cases and whether appeals had been made which had been unsuccessful.

- (26) Councillor Robins enquired whether the sum being requested was time limited. It appeared a lump sum was being requested for start-up costs to address additional needs arising due to the new development. Once spent, how would any on-going additional costs be met? Mr Taylor explained that following start-up costs once occupied those living there would be required to pay Council Tax. A proportion of that precept was allocated towards policing costs and could therefore be used towards policing in the vicinity of the site. Councillor Robins stated that he was confused by the response given as this appeared to be at variance with earlier information given. Confirmation was also requested as to whether the University was prepared to provide additional funding towards these costs and it was confirmed that the University currently funded two posts in the locality.
- (27) Councillor Meadows asked regarding the consultation process which had taken place internally within the Police given that they had been consulted in respect of this scheme in order to assist in designing out crime as far as practicable. Councillor Meadows expressed surprise given the time it had taken for this application to come before Committee that the police had sent in a very late submission on this matter. Mr Taylor explained that the two issues were separate, as any new development of the scale proposed would result in additional policing needs. His role was to seek funding in order to facilitate this and in answer to further questions he confirmed that he had successfully obtained additional funding in respect of schemes elsewhere in the Surrey and Sussex policing division. The letter he was referring to had actually been submitted to the Local Planning Authority on 22 March, it had however only recently become known that s106 funding was not being recommended towards policing costs in respect of this scheme.
- (28) Councillor Janio stated that he was also somewhat confused by the responses given. Mr Taylor reiterated his earlier responses.
- (29) Councillor Cattell, the Chair, referred to the suggestion that officers meet with the police in order to discuss how/ whether it would be appropriate to revisit the formula used when assessing the level of s106 obligations going forward, considering that would be a productive, changing the existing formula set out in the Council's Supplementary Development Document which set out the agreed formula against which s106 contributions were assessed. She explained that developers usually provided a "shopping list" in relation to contributions they intended to make in mitigation, these were discussed agreed with officers using an established formula. Whether Members were minded to consider revisiting the level of contributions proposed in respect of this application would need to be voted on at the conclusion of the debate.
- (30) Councillor Cattell asked for further details in relation to appeal decisions referred to but considered that it was difficult to use the information provided as a basis for comparison. The decisions taken by the Planning Inspectorate would have been made in the light of the criteria and methodology applied by those individual planning authorities which could have a very different townscape and demography from Brighton & Hove and use a different formula when allocating s106 contributions.

**Questions for the Applicants**

- (31) Mr Hoskins who was in attendance on behalf of the applicants stated that he would address the concerns raised by the objectors and to respond to any questions of Committee Members; the relevant officers were also available in order to respond to any technical questions.
- (32) Councillor Meadows sought clarification in respect of policing arrangements in the vicinity of the site and whether as indicated, a proportion of those costs were met by the University. Mr Hoskins explained the University funded the cost of two police officers in the locality of the site. The s106 had been devised by officers using an agreed formula and the applicants were happy to contribute the sum agreed, and any changes to the suggested allocations from that overall pot, it did not behove the applicants to indicate how s106 funding should be spent.
- (33) In answer to further questions Mr Hoskins explained that the applicants had sought to design out/minimise the opportunity for crime by opening up the site which had no dark/secluded corners. This had been an integral part of the process. There was connectivity and pedestrian permeability with the constituent elements of the scheme and linkage between the open spaces, all of which was well lit. The stairways to the rear of the development fronting Lewes Road which gave access to Saunders Park View and to Moulsecoomb Station would be well lit and had been designed to be of as shallow an incline as possible.
- (34) In answering the concerns of residents Mr Hoskins considered that it was important to point out that there would be no additional students, the proposals would significantly improve and enhance the offer available to future students and particularly, to provide state of the art science laboratories. By increasing the level of student accommodation available in the longer term it was anticipated this would decrease the demand for private rented accommodation.
- (35) Councillor Mac Cafferty referred to Policy DA3 as set out in the City Plan, enquiring regarding measures to be undertaken in order to avoid a negative impact on air quality; bearing in mind that Lewes Road corridor was heavily trafficked and issues relating to existing air quality in that part of the city were acknowledged. Ms Wheeler, referred to detail research using industry standard models had been undertaken in order to ensure that no negative impact would arise. The council's own monitoring data had been used as a starting point and the applicants had liaised with the council's technical officers.
- (36) Councillor Mac Cafferty also enquired regarding whether discussions had taken place with Network Rail to improve Moulsecoomb Station including disability access and works to the existing footbridge. Mr Brady spoke on behalf of the applicants and explained that public realm improvements proposed included access across the site to the station, pedestrian routes to/from the station had been improved significantly. Network Rail had not requested additional upgrades to the existing station.
- (37) Councillor Moonan asked what measures the applicant had taken to future proof the site, in relation to parking, cycle parking, affordability challenges, permeability of the site and to the public squares. Mr Hoskins stated that no additional parking was

proposed on-site, the site was located adjacent to and had easy access to good Public transport links into and out of the city. Where there was shared highway space within the site this would be clearly delineated and would meet agreed industry standards which took account of the safety requirements to be met. Pedestrian crossings across the Lewes Road into the site were to be enhanced. The Public spaces would be accessible to all and had been designed to ensure best use of them.

- (38) In answer to further questions it was explained that the tall blocks which would be located to Saunders Park view had been sited at a sufficient distance to minimise any negative impact as far as it was possible to do so. Mr Hoskins explained that as with any large scheme there had been a number of challenges to be addressed and the applicants considered that this scheme represented the best “fit” for the site which could be achieved in terms of viability. As the application had been driven primarily by the University’s academic considerations it had not been profit driven.
- (39) Whilst the element of the scheme which included the Watts parcel was outline and illustrative at this stage full details of landscaping, materials etc., would be provided for approval and it was anticipated that it would be possible to include docking stations and cycle hire arrangements.
- (40) Councillor Robins sought detailed information in respect of the materials to be used, noting that a number of different materials and finishes were proposed. He referred to the painted steel cladding and white brick facing materials (the silicone coating applied to the bricks was susceptible to discolouration) to some of the buildings and to the dark grey painted surface proposed for the bridge across the highway. Unless very high-grade materials were used, based on his knowledge these were unlikely to be sufficiently robust and could deteriorate quickly. It was explained that the steelwork for the bridge would be applied as part of the manufacturing process and that it was designed to be very robust. Manufacturers guarantees would be obtained to ensure that the other materials were fit for purpose.
- (41) Councillor Mac Cafferty referred to the Environmental Statement, noting that some blocks would be built facing into the prevailing south- westerly wind enquiring as to mitigating measures to be taken to address this. It was explained that this had been acknowledged especially in respect of Block A which had undergone some re-design and reconfiguration. Spacing between the buildings would also ameliorate this and overall buildings had been sited to and attention paid to their massing in order to utilise the topography of the site.
- (42) Councillor Meadows stated that she was mindful of the recent Grenfell Tower tragedy enquiring regarding inclusion of sprinkler systems in the tallest blocks, fire retardant quality of any cladding materials proposed and general safety measures proposed. It was explained advice had been sought in respect of this matter and that, although not part of the planning process itself, all of the buildings would be required to meet vigorous Building Control Regulations.
- (43) Councillor Janio referred to the proposed parking arrangements and to the concerns expressed by residents relating to overspill parking by students and others. In answer to questions it was confirmed that no additional student parking above that contained on the existing campuses was proposed. The number of parking spaces proposed had

been amended as a result of discussion with officers and careful thought had been given to the number and location of the disabled parking bays.

- (44) Councillor Miller enquired regarding management of car parking on the site and it was confirmed that the spaces would be managed by the developer on each parcel.
- (45) Councillor Morris sought clarification regarding the provision of public art and it was explained that the applicants were committed pledged to provide this although the precise form this would take e.g., whether this would take the form of a permanent feature/installation had yet to be determined.

### **Questions for Officers**

- (46) Councillor Moonan sought clarification that should the Committee agree to the Police request for as proportion of the s106 funding be allocated to them that the level of funding available overall would require re-allocation and would result in less being available for others, for instance for enhancements/mitigation measures for the benefit of the local community including off-site improvements. It was confirmed that would be so, as the sum available overall would remain unchanged. If that was agreed by the Committee, it was intended that officers would revisit the issue and that changes to the sums allocated would be agreed in consultation with the Chair, Deputy Chair and the Opposition Spokespersons.
- (47) Councillor Miller enquired whether it would be possible for further consideration of the sums allocated for s106 funding to be brought back to the Committee. It was confirmed that if that occurred it would result in a delay in issuing planning permission but that could be done.
- (48) Councillor Meadows queried whether it would be possible to condition the phasing of the development in order to address local residents' concerns regarding detrimental levels of overspill parking from the development, also regarding any other measures available in this respect. Councillor Meadows was concerned regarding the impact should the existing park and ride arrangement cease ahead of the completion of the development; also in relation to the large number of new residents, no community dedicated community space was proposed on site asking whether consideration could be given to such provision in order to foster community cohesion. Councillor Meadows also referred to the disappointingly low number of affordable housing units in her opinion, enquiring whether there was any opportunity to increase this.
- (49) The Development and Transport Assessment Manager, Steven Shaw, explained that the existing Park and Ride would continue and that arrangements in respect of this lay with Brighton and Hove Albion Football Club, not with the applicants. There was a phasing plan in place and off site mitigation measures were proposed under the S106.
- (50) The Principal Planning Officers, Mick Anson and Sarah Collins, explained that the applicants were aware that Members' preference was for community facilities to be provided on site and the possibility of meeting space being available for community use would be actively pursued. In view of the comments received from the District Valuer Service on viability it was considered that it would be unreasonable to seek a higher number of affordable units.

- (51) Councillor Meadows also sought confirmation regarding the timeline of the correspondence received from the Police. The Development Control Manager, Paul Vidler explained that the letter received on 22 March had not made reference to s106 monies made available in respect of any specified scheme. Irrespective of the decision of the committee in respect of this application officers intended to meet with the Police in order to discuss any future formula for such funding further.
- (52) Councillor Moonan wished to receive assurance in relating to the broader traffic management measures proposed apropos the site, in particular relating to the flow of traffic and pedestrians, the rationale for siting of pedestrian crossings and footbridge, use of shared cyclist /pedestrian space and impact on the bus lanes. The Development and Transport Assessment Manager, Steven Shaw referred to the proposed layouts by reference to plans and indicated how shared spaces would be delineated using tactile paving. Changes to the layout of the existing bus lanes were also shown. There would be some delay due to the junction arrangements although this would be minimal (9-23 seconds) and would be off-set by other arrangements to be put into place. Officers had worked very hard in order to mitigate any disbenefits.
- (53) Councillor Morris referred the impact of the development on Saunders Park View and to cul de sac arrangements, also the location of the lift. The Development and Transport Assessment Manager, Steven Shaw, detailed the proposed arrangements by reference to plans. It was explained that the existing cul de sac would be improved, there would be stepped access due to the sloping nature of and changes in level across the site, and to the gradient between blocks B and C. The location of the steps and ramped access to Saunders Park View and to Moulsecoomb Station were indicated and it was confirmed that there would not be public access to the lifts as secure access was required to some of the core areas of the university blocks.
- (54) Councillor Hyde referred to the treatment to the corner aspects of some of the buildings, also details of the finishes proposed to the science/commercial buildings asking to see visuals and the rationale for this design solution. Councillor Hyde also asked whether it was anticipated that there would be any impact on views along Coombe Road towards the South Downs National Park; also in relation to any impact assessments carried out in respect of sunlight. The Principal Planning Officer, Sarah Collins, confirmed that it was not anticipated that there would be any impact on long views of the National Park. The materials proposed for the science block and commercial buildings were considered suitable and sufficiently hardwearing. sunlight/daylight impact surveys had considered the site as a whole and met at least minimum standards; it should be noted that levels of sunlight would be much higher during the summer months.
- (55) Councillor Miller asked whether it would be possible to add a condition requiring the local ambulance station to be relocated on site, whether condition(s) could be included to prevent accommodation on site from becoming houses in multiple occupation (HMOs) and whether sound installation was to be installed to the student units and gymnasium; also the standard of student accommodation to be provided.
- (56) It was explained that the potential to provide an ambulance station ultimately lay with the CCG but could form part of a new medical centre in the vicinity. The student rooms

would be of an agreed standard size, some windows would be capable of being opened and some would be fixed. The site would be covered by an Article 4 Direction which would restrict HMO use. In answer to further questions it was explained that arrangements were in place to re-house existing residents of the blocks in Saunders Park View if they wished.

- (57) Councillor Mac Cafferty sought further information regarding measures proposed (including the BRE study), to minimise any negative impact on Saunders Park View. It was explained that any negative impact to a small number of dwellings would not be significant as it fell just outside BRE guidelines and would be mitigated to a degree by the gradient of the site immediately below Saunders Park View and the pedestrian through routes to be provided. Details of the vehicle and cycle parking to be made available on site were also reiterated. It was noted that it was not proposed to relocate reptiles living on site in the absence of a suitable alternative habitat having been found.
- (58) Councillor Mac Cafferty also sought clarification regarding materials, and whether some was intended to be self-cleaning, details of trees to be removed and to be retained and the species and age of those to be provided in instances where replacement was intended and indicatives showing the other landscaping and planting arrangements proposed. Councillor Mac Cafferty considered it critical that replacements were sufficiently well established that they survived, flourished and provided the desired level of screening as soon as possible.
- (59) Councillor Mac Cafferty referred to the need to encourage the provision of community space and use enquiring whether it would be possible for community notice board(s) to be provided, also use of the gymnasium and or meeting rooms on site. It was confirmed that whilst use of the gym/other facilities might not be possible as it could present a security issue for the University erection of notice board(s) to advertise community events could be included. Representatives of the applicant who were present indicated their willingness to provide that at a suitable location. Councillor Mac Cafferty also enquired regarding traffic management arrangements for access/egress to the site, within the site itself and its impact on Lewes Road and the wider locality. Whilst noting all the information set out in the report and the responses given he was of the view that it might be appropriate to strengthen some of the proposed conditions and to include additional informatives to any permission granted.
- (60) Mr Amerena, CAG, referred to the Mannock Building mentioned in the Heritage Statement, stating that comments made in relation to loss being outweighed by the wider urban design benefits which would accrue from implementation seemed to be at variance with comments acknowledging it as a building which was attractive in its own right and had historic interest as part of the barracks' historic development. The Principal Planning Officer, Projects and Heritage, Tim Jefferies, confirmed that the building whilst attractive was a very late example of its style, old fashioned even for the date at which it was constructed and had limited townscape value. It did not have a particular relationship with the Napoleonic Building which was to be retained and it was considered that it would be difficult to integrate it successfully within a large scale modern development of the type proposed. Therefore it was considered that the limited harm arising from its loss was outweighed by the wider urban design benefits of the scheme as a whole.

- (61) Councillor Robins referred to the fenestration proposed to the student accommodation seeking assurances that the proposed units would receive the required daylighting levels. It was confirmed that the proposed units would meet all BRE and other relevant standards.
- (62) Councillor Meadows sought confirmation that as well as receiving appropriate levels of lighting that there would be sufficient air circulation bearing in mind that some of the proposed student units would be non-opening. It was explained that officers were not aware of any changes to existing standards and that these matters needed to meet current Building Control Regulations.
- (63) Councillor Littman requested information comparing current and anticipated daylighting levels. It was confirmed that the existing dwellings located behind the rear of the site already fell marginally below guideline standards and that the additional blocks proposed would have a minimal impact. Those buildings had been designed in order to avoid overlooking and to maintain an acceptable distance between them and the nearest properties. It was confirmed that there would be no increase in the level of on-site site parking and it was recommended that there would be 156 spaces in the Podium car park on Preston Barracks and 551 spaces in the multi storey car park on the Watts site. During the course of the application the multi storey car park was reduced from 600 to 551.
- (64) Councillor Littman also requested details of changes to the existing road layout to the Lewes Road and the Lewes Road Gyratory and the projected impact these would have. He had concerns akin to those of Councillor Mac Cafferty regarding the number of vehicle movements and impact on air quality that could result from significant delays to traffic/buses. Councillor Littman also wished to hear what thought had been given to allowing for future growth. The Senior Technical Officer, Environmental Protection, Sam Rouse, explained that although improvements to future air quality would be dependent on technological advances, the models used in making the assessments set out in the report had been based on 100% capacity and using industry standards.

### **Debate and Decision Making Process**

- (65) Councillor Mac Cafferty stated that whilst supporting the scheme overall wished consideration to be given to the proposed amendments which he and other Members had put forward. These related namely to the age/maturity of the replacement trees proposed and suggested amendments to Conditions 23 and 29 respectively; to the request that samples of the final palette of materials proposed be agreed in consultation with the Chair, Deputy Chair and Opposition Spokespersons. It was noted that the Legal Adviser to the Committee had confirmed that whilst it was not possible to condition provision of a community notice board on site an informative to the effect could be included in any planning permission granted.
- (66) Councillor Robins stated that whilst concerns had been raised relating to additional traffic generated by the scheme he considered that that the traffic management measures proposed were sufficient to mitigate them as far as it was practicable to do so. Overall he considered the scheme to be a good one and supported it, notwithstanding that he had concerns regarding the durability of some of the materials

proposed. He considered it was important that guarantees were obtained from the manufacturers to ensure that they were fit for purpose.

- (67) The Chair, Councillor Cattell, confirmed that Councillor Robins' comments relating to materials had been noted and that final approval of them would be given following consultation with herself, the Deputy Chair and Opposition Spokespersons.
- (68) Councillor Hyde stated that as would be expected in relation to such a major scheme a number of detailed questions had been asked and answered. This was a large scheme which would utilise a site which had been a "mess" for a long time. She recognised that it had taken a long time to come to fruition and represented in her view the best that could be achieved, she liked the design overall and was pleased that in seeking to accommodate the growing needs of the University the applicants were also making a significant investment which would help to address the city's housing needs. In her view the scheme would create a whole new community. Whilst acknowledging that there would be an impact in consequence of that the mitigation measures proposed would reduce that and she would be supporting the officer recommendation.
- (69) Councillor Hyde also referred to the recommendation included in the heritage section of the report at paragraphs 7.71, 7.72 (page 70), suggesting that a plaque be erected on site commemorating Mick Mannock, (the existing Mannock Building was to be demolished), the most highly decorated First World War flying ace, posthumously awarded the Victoria Cross in 1918. She considered this was appropriate, requesting that consideration also be given to erection of a plaque on site commemorating and reflecting the historic Napoleonic/Wellington Barracks building and asking whether an informative to that effect could be attached to in any planning permission granted. The Legal Adviser to the Committee, Hilary Woodward confirmed that an informative to that effect could be added if the Committee were minded to do so. Members of the Committee indicated their support for Councillor Hyde's suggestion and the applicants indicated that this proposal was acceptable to them.
- (70) Councillor Miller stated that when had read the report initially he had concerns in view of the size of the site and scale of the scheme. However, the site had been dormant for his entire lifetime, he was also aware of the housing crisis which was facing the city. He understood and accepted the rationale for the officer recommendations and the comments of the District Valuer Service relating to viability. Whilst loss of the Mannock Building and lack of community space on site were regrettable and concerns in respect of on-site parking and traffic management were noted he considered it was impossible to achieve absolute perfection in for a scheme covering such a large site, it would undoubtedly alter that part of the city forever. The scheme had much to commend it, he considered it to be of a clever design which would provide much needed student accommodation and housing and economic benefits and regeneration in the vicinity and for the city as a whole. His only caveat was that he considered that the comments the comments received from the Police in respect of potential s106 contributions needed to be taken on board and an early meeting arranged to discuss matters going forward.
- (71) Councillor Meadows stated that this represented a huge development on a site which had been empty for a very long time. She hoped that the opportunity could be taken to provide an ambulance station on site. Whilst she considered there had been some lost



opportunities and would be detriment to some immediate residents, with some reluctance she was minded to support the scheme. She was satisfied with the level of on-site parking proposed and was also pleased to note that money could be set aside towards future CPZ provision. In her capacity as a Local Ward Councillor if permission was granted she would be monitoring the scheme very closely as it developed in order to ensure that it delivered as promised and to ensure that the interests of her residents were protected and that the developers and University continued to work pro-actively with the local community. In respect of the funding request put forward by the Police in this instance she did not consider it was reasonable given that the University already supported the cost of providing two officers in the area, no additional funding could be provided for the Police without it reducing the amount available for improvements from which residents would be benefit and she did not consider that it was acceptable that for them to be dis-benefitted in that way.

- (72) Councillor Moonan stated that whilst the number of affordable housing units on site was lower than she would have liked, she accepted the opinion of the District Valuer in terms of viability and welcomed the benefits which would accrue from the scheme and the mitigation measures which had been put into place. Given the size of the scheme it was inevitable in her view that there would be an impact locally, she was strongly of the view however, that the benefits of this scheme outweighed any potential harm. Councillor Moonan also considered that it was important to have a policy in place relating to s106 contributions being made towards policing costs and that the necessary discussions took place as soon as possible.
- (73) Councillor Janio supported the officer recommendation considering however that it was crucial that the applicants liaised fully with local residents throughout the construction in order for any further refinements to be made as necessary.
- (74) Councillor Morris stated that he was concerned that some elements of the scheme were being treated as separate parcels of land and was also disappointed that it had not been possible to provide a greater number of affordable housing units, the fact that some windows could not be opened was also a negative in his view. He had reservations as to the design, height and materials proposed for some elements of the scheme considering they lacked cohesion, also, in relation to parking arrangements on-site and their potential impact off-site and to the changes to be made to the existing bus lanes. Notwithstanding these qualifications, he would on balance, be voting in support of the scheme.
- (75) Councillor Littman stated that it was important the needs of existing residents, incoming residents needed to be balanced. Some of the proposed buildings would be tall and would have an impact. The site had however been derelict for a number of years, there was a need for additional student and other housing and there were few sites of comparable size. Overall, he considered the scheme was a good one and he would be voting in support.
- (76) Councillor Mac Cafferty noted that some of the blocks proposed would undoubtedly be high and would change the area and this key route into the city. Having visited the site he considered that its topography, there were significant changes in level across it, had allayed those reservations. His concerns regarding the impact on air quality in this heavily trafficked part of the city had, he considered, been addressed satisfactorily.

This site had been redundant for a very long time and in view of the scale of the housing crisis which the city was facing it was necessary to maximise use of every development site which came forward. His remaining concerns related to community provision considering that it was very important that this should be “with” rather than done “to” the community. Reference was made to Condition 53 set out on page 32 of the report. As drafted he considered this was “weak”, by removing the final sentence he considered it would be more robust. He considered it would be beneficial if a community noticeboard could be located on site, also in residents could be permitted to use the gym or have access to university meeting rooms. Looking to the future the site would deliver improved educational facilities, innovation, housing and job opportunities, something which the city could be proud of and with that in mind he would be voting in support.

- (77) The Chair, Councillor Cattell was in agreement that meeting(s) with the police should be expedited in order to review the existing s106 formula to include consideration of policing needs as appropriate. She welcomed this scheme noting that it had evolved over a number over time in response to comments received and in response to the consultation which had taken place. She was also impressed by the manner in which the developer’s team had engaged with the city and with the council’s officers. Overall she considered the scheme to be exciting and innovative and was for her an example of “place making” rather than just a collection of buildings and would create an entirely new neighbourhood in the city, in her view this was particularly important when a scheme included tall buildings. The provision of squares throughout the development was welcomed and the palette of materials proposed which in her view complemented each other. In concluding the Chair wished to place on record her thanks and those of the Committee to officers for the huge amount of work undertaken over a long period of time in liaising with the applicants in working up their scheme to the point at which it could be brought forward to the Committee for decision. The Committee concurred in that view.
- (78) Before inviting the Committee to vote on the scheme she also wished to commend the officer team for their diligent work over a number of months in facilitating this application in coming to Committee. This represented an exciting project for a long neglected site and she supported the officer’s recommendations.
- (79) Councillors Hyde and Miller sought clarification regarding whether it would be possible to ring fence a proportion of the s106 towards policing costs should Members be minded to do so. The Legal Adviser to the Committee, Hilary Woodward, advised that it would not be appropriate to agree a percentage/sum for policing costs at this meeting. If Members were minded to do so, a figure could be agreed following further work by officers in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
- (80) Councillor Moonan enquired whether it would be practicable for further details to be brought back for consideration by the Committee at its next meeting thus enabling further discussions to take place. Officers explained that would delay the issuing of the s106 which could in turn impact on the funding streams in place. Members were therefore in agreement to vote on this matter separately and then to proceed to the substantive vote.

- (81) A vote was taken in respect of whether or not Members wished officers to revisit the constituent elements of the s106 contributions, in order for consideration to be given to allocating a proportion of the available funding to the Police in the terms set out by Mr Taylor. This was lost on a vote of 4 to 6. Members noted however that it had been agreed that officers would meet with Police representatives at an early date in order to discuss this matter further and to amend current policy as appropriate.
- (82) Before moving to the substantive vote Members engaged in further discussion in respect of the additional/amended conditions which had arisen as a result of their discussions during the course of the meeting. These are summarised below:

### **Additional/Amended Conditions Arising From Committee Discussion and Substantive Vote**

- Community access to the site, gym and meeting room facilities etc., in site. The Legal Adviser to the Committee, Hilary Woodward, advised that a condition requiring public access to the gym could be added and that an informative encouraging community access would be appropriate. Members indicated their unanimous agreement to this.

- Landscaping. Full details to be provided, with particular reference to tree planting proposed, in terms of age, size and species. Councillors Moonan and Robins noted that younger trees absorbed CO2 more effectively. However, the trees provided needed to be sufficiently established that they were likely to flourish.

- Condition 41 (page 28 of the circulated report), to include details of lift management. Members indicated their unanimous agreement to this.

- An Informative be added requesting that a Notice Board be provided on site on which could be used to publicise community/local events. Members indicated their unanimous agreement to this.

- Erection of Blue Plaques. In addition to a blue plaque commemorating the Napoleonic/Wellington Buildings, an Informative be added requesting that a further plaque be erected commemorating Mick Mannock/the Mannock Building and its association with the highly decorated World War 1 fighter pilot.

- Final material details to be agreed in consultation with Members at the Chair's Briefing Meeting.

### **Vote on the Substantive Recommendations**

- (83) A further vote was then taken on the substantive recommendation set out in the report and the 10 Members present voted unanimously that **Minded to Grant** planning permission be granted; subject to a s106 agreement on the Heads of Terms, Conditions and Informatives set out in the report; also to include the additional and amended Conditions and Informatives set out in the Additional/Late Representations List and agreed by the Committee at the meeting (summarised above) and as set out below.

- 53.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms, Conditions and Informatives set out in the report and to the conditions and Informatives and to the additional and amended Conditions and Informatives set out in the Additional/Late Representations List and agreed by the Committee at the meeting and set out below.

#### **Application Description**

Amend number of parking spaces in Watts car park to read 551 not 600.

#### **S106 Heads of Terms**

1.2 Amend to read: 'Affordable housing to be ready for occupation prior to 80% of residential being ready for occupation'.

1.7 Amend to read: 'Residential Travel Information Packs for each first residential unit which should include one of the following:

Offer the provision of free grants towards the purchase of a bicycle (value of £150, one per dwelling for the first occupants of each dwelling only)

Offer the provision of Brighton & Hove bus season tickets (one annual bus pass per dwelling for the first occupants of each dwelling only) or contribution towards rail season tickets

Offer 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each dwelling only)

Membership to Brighton & Hove Bike Share scheme; And

Student Residential Travel Information Packs on a continuous basis for each occupier which should include:

Taster public transport tickets for Brighton & Hove Buses (1 month)

Local public transport, walking and cycling maps

Details of Brighton & Hove Bike Share scheme

Information and advice on road safety

1.13 Implementation of the Walkways Agreement shall be required on Preston Barracks and Watts Sites respectively.

1.14 Phasing Plan. Amend to read: '

The CRL shall be completed and ready for occupation prior to first occupation of the residential accommodation on the Preston Barracks site;

s278 to be entered into prior to the commencement of development (not including demolition) with the phasing of the highway works to be agreed as part of the s278 agreement.

Construction phasing timetable to be submitted to include details of interim parking arrangements on the development site at each phase of the construction phases.

The Multi-Storey Car Park shall not be brought into use until the existing parking areas on the Mithras and Watts sites have been removed from use for the parking of vehicles, except for vehicles related to the ongoing construction of the development; and

The Business School shall have been built above slab level prior to first occupation of the student accommodation on the Mithras site.

**Conditions**

23. Delete. Condition 36 covers the same (Servicing) requirements in more detail.

35. Amend to read:

Details of the provision, location and design of a minimum (set out below) of 20 Bike Share spaces and the specification of bikes (in consultation with the Local Planning Authority) to be provided shall be submitted to and approved in writing by the Local Planning Authority, and installed prior to the completion (excluding soft landscaping) of each of the following sites:

- a) Preston Barracks site - 10 spaces and bikes
- b) Mithras site – 10 spaces and bikes

40. Amend by adding additional sentence at the end:

These facilities shall be fully implemented and made available for use before each car park is brought into use and shall be retained for use at all times.

41. Amend to read:

Prior to first occupation of the Podium Residential development hereby permitted (as set out on drawing ref. 0195-Sew-Zz-00-Dr-A-501000), details of an additional publically accessible lift to be located between blocks B & C on the Preston Barracks site, including details of the management and maintenance of the lift, shall be submitted to and agreed in writing by the Local Planning Authority and shall be installed, managed and maintained in accordance with the approved details, to enhance the pedestrian accessibility of the development between the Furlong and Saunders Park View.

44. Amend by deleting reference to 'on the adopted highway' as extended part of Saunders Park View will not be requested for adoption by the Highway Authority.

53. Amend to read:

'Best endeavours shall be used for a minimum of 3 months from the date of this permission to reach agreement with a medical provider (on acceptable commercial terms to both U+I and the medical provider) for a Class D1 medical centre on the Preston Barracks site with a minimum floorspace of 900 – 1000 sq.m. Within 2 months from the date of the agreement floorplans and elevations shall then be submitted to the local planning authority for approval for this D1 use. Should reasonable evidence be provided by the applicant that an occupier for a medical facility could not be secured after the stated period of negotiation, then the use of the Preston Barracks site may be implemented in accordance with the hereby approved plans for the commercial ground floor uses permitted by this approval.'

55. Amend to read:

a) No demolition and development shall take place on the following sites until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

i) Preston Barracks

ii) Mithras Site

b) The development of each of the site parcels above hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under a) above and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove City Plan Part One.

Additional Condition 60 to read:

Prior to the commencement of development above slab level of the following phases of the development hereby permitted and set out on the Site and Landscape Parcel Plan (Ref: 0195-Sew-Zz-00-Dr-A-501000), large scale drawings and details of the relevant landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

Watts Car Park and Business School (Watts and Business School Square

- 1) Landscape Parcels)
- 2) Mithras site (Mithras Landscape Parcel podium and terraces)
- 3) the Bridge
- 4) Block J Residential (Block J Landscape Parcel)
- 5) Podium Residential (Podium Landscape Parcel)
- 6) Block A Residential, CRL and Student Blocks 6-8 (The Furlong and Business School Square Landscape Parcels)

The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials including durability;
- b. details of all proposed planting including numbers and species of plants and planting method;
- c. details of size, age and specification of trees; and
- d. a landscape management plan spanning minimum 20 years.

All hard landscaping shall be completed in accordance with the approved scheme within 6 months of completion of the relevant phase of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following completion of the relevant phase of the development; and any trees or plants which within a period of 5 years from the completion of the relevant phase 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, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

Additional Condition 61 to read:

Prior to the occupation of the gymnasium on the Mithras site, a scheme setting out details of the use of the gymnasium by the public ('Community Use Agreement') shall be submitted to and approved in writing by the Local Planning Authority. The use of the gymnasium shall be carried out in accordance with the approved ~~scheme~~ Community Use Agreement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of appropriate community facilities within the development and to comply with policies HO21 of the Brighton & Hove Local Plan and CP18 of the Brighton & Hove City Plan Part One.

**Informatives**

Amend Informative 8 to read:

The Local Planning Authority would welcome details of the design and location on the site of commemorative plaques to Major Edward 'Mick' Mannock and the history of the Preston Barracks site which could be installed within a reasonable period prior to hand over of the site following completion of the construction works.

Additional Informative 12 to read:

The Local Planning Authority would welcome the provision of community notice boards within the development within a reasonable period following completion of the construction works.

The meeting concluded at 7.15pm

Signed

Chair

Dated this      day of





**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****12.00pm 13 SEPTEMBER 2017****COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 4AH****MINUTES**

**Present:** Councillors C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hamilton, Hill, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morris and Yates

**Co-opted Members:** Jim Gowans (CAG Representative)

**Officers in attendance:** Paul Vidler (Planning Manager), Hilary Woodward (Senior Solicitor), Liz Arnold (Principal Planning Officer), Chris Swain (Principal Planning Officer), Stewart Glassar (Principal Planning Officer), Gareth Giles (Principal Planning Officer), Sandra Rogers (Planning Manager), Maria Seale (Principal Planning Officer), Steven Shaw (Development and Transport Assessment Manager), Francesca Iliffe (Sustainability Project Officer), Maggie Moran (Flood Risk Management Officer), Kate Cole (County Ecologist), Virginia Pullan (County Landscape Architect) and Cliona May (Democratic Services Officer)

**PART ONE****39 PROCEDURAL BUSINESS****39 i Appointment of Chair**

39 ii Councillor Moonan was appointed Chair for the meeting.

39 iii Councillor Morris was appointed Deputy Chair for the meeting.

**a Declarations of substitutes**

39.1 Councillor Hill was present in substitution for Councillor Cattell.

39.2 Councillor Hamilton was present in substitution for Councillor Gilbey.

39.3 Councillor Yates was present in substitution for Councillor Russell-Moyle.

**b Declarations of interests**

39.4 The Chair noted that the Committee Members had received correspondence in respect of Application A) Land Off Overdown Rise, Portslade, as they had been emailed

information by the applicant. The Members noted that they remained of a neutral mind and would take part in the consideration and vote on the application.

39.5 Councillor Hyde declared a non-pecuniary interest in respect of Application D) West Blatchington Primary & Nursery School, Hangleton Way, Hove, as her grandson currently attended Kings School. She noted that he would not be attending Kings School on the new site if the application was agreed and she remained of a neutral mind and would take part in the consideration and vote on the application.

39.6 Councillor Littman declared an instance of lobbying in respect of Application L) 2 & 2A Stafford Rd, Brighton, as he had received a phone call from a resident; however, he remained of a neutral mind and would take part in the consideration and vote on the application.

**c Exclusion of the press and public**

39.7 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.

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

**d Use of mobile phones and tablets**

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

**40 MINUTES OF THE PREVIOUS MEETING**

40.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 9 August 2017 as a correct record.

**41 CHAIR'S COMMUNICATIONS**

41.1 The Chair reminded Members that there was a Special Planning Committee, for the determination of the Preston Barracks application, on 27 September in Hove Town Hall at 1300 hours. There would be a briefing followed by a site visit for Members on 20 September 2017 at 1330 hours.

**42 PUBLIC QUESTIONS**

42.1 There were none.

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

- 43.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2017/00284 - Wayland Paddock, 41 Wayland Avenue, Brighton	Councillor Bennett
BH2017/00128 - 17 Barnfield Gardens, Brighton	Councillor Morris

**44 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**Major Applications**

**A BH2017/02410 - Land Off Overdown Rise & Mile Oak Road, Portslade - Outline Application**

Outline application for the erection of up to 125 dwellings with associated access, landscaping and informal open space and approval of reserved matter for access only.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

**Officer Presentation**

- 2) Sandra Rogers, Planning Manager, introduced and explained that policy SA4 had identified that 13,200 new homes needed to be delivered by 2030 and 660 per annum was the minimum housing requirement. The Urban Fringe Assessment had identified 39 possible Urban Fringe sites that could be developed, which was 7.5% of the Urban Fringe, to contribute to the city’s housing requirement. Most housing would be sought by developing brownfield sites; however, 1060 units would need to be built on the Urban Fringe. Further assessment was to take place as part of City Plan Part Two for site allocation preparation.
- 3) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that in addition to the representations on the Additional Representation List a further 11 letters of objection and one comment had been received. The additional representations did not include any new material planning considerations in addition to those set out in section 4 of the Committee report. One letter of support received from the retailer McColls in Graham Avenue had been withdrawn as the comment provided was not that of the business owner as implied in the correspondence received.
- 4) It was noted that there was confirmation in the application that the development would be a maximum of two storeys in height with a mix of dwelling type and sizes provided. The height, scale and design of the development would be assessed at reserved matters stage. 40% of these units were to be affordable housing with the preferred tenure split as set out in the Council’s Affordable Housing Brief.
- 5) It was explained that the application comprised of three sites identified in the Urban Fringe Assessment as having potential for housing development. The indicative layout plan showed the proposed housing would be located on the lower part of urban fringe

site 5 with 4b and 5a left undeveloped. The application was a revised proposal to the previously refused application discussed at the Planning Committee on 12 April 2017. The earlier refusal did not include the principle of development of the urban fringe site.

- 6) The Principal Planning Officer explained that the revisions to the proposal since the earlier refusal were set out in full in paragraph 2.13 of the report; however, the revisions included: five additional dwellings incorporated into site 5 and the removal of five dwellings accessed from Mile Oak Road on site 4b, this would include the removal of Mile Oak Road vehicular access; the provision of various pedestrian and cycle routes within the site which would provide convenient access to the wider area and the existing public rights of way beyond the development site, including within the adjacent South Downs National Park; additional information had been submitted as part of the application with regards to proposed measures for drainage and to mitigate flood risk; the proposal included garden soakaways, permeable paving, infiltration basins and prevention of run-off; and the drainage basins would have a 40% allowance in rainfall intensity to mitigate against climate change.
- 7) A revised proposal retained improvements to the Fox Way and A293 junction by delivering a two arm approach for 40m within Fox Way. An addendum to the Transport Assessment provided further surveys to support those submitted as part of the 2016 application and assessment of traffic volumes from the development travelling south to Portslade and Hove, which concluded that the total increase in traffic movements on local routes to the south of the site would be negligible once traffic had dispersed across the network. The proposed level of on-site, off-street parking provision was considered acceptable by the Highway Authority.
- 8) It was explained that although it was an outline application also seeking permission for access only, the developer had confirmed a commitment to policy CP8 and had provided a supplementary report assessing the proposal against Building for Life 12. Conditions were attached to ensure compliance with minimum energy and water standards as outlined in policy CP8, in addition to a condition requiring the submission of an energy assessment and strategy, a sustainability statement and achievement of a minimum of a Home Quality Mark One Star.
- 9) The retained open space would be formally publicly accessible and as such was a net gain as the site was currently informal recreation space. There was a financial contribution towards open space and indoor sport secured via S106. A greater amount of SNCI was to be retained, enhanced and managed than within the refused scheme and only approximately 42% would now be lost compared to the 45% previously. There was a provisional contribution towards scrub clearance and ten years sheep grazing of Whitehawk Hill Local Nature Reserve which would allow for the translocation of reptiles from the application site. The overall proposal would result in a net gain for ecology and biodiversity when including the proposed enhancements for both the SNCI on the site and the Local Nature Reserve in Whitehawk.

### **Public Speaker(s) and Questions**

- 10) Mr Hodges spoke in objection to the application in his capacity as a local resident and explained that he was speaking on behalf of the Mile Oak residents who had objected to the application. He explained that the Mile Oak residents were unhappy that the

applicant had submitted a second application after the previous one had been refused at Committee. He referenced an article that had been published in The Argus and believed that the agent would not ensure the s106 contributions would be paid or the conditions agreed would be implemented. The proposal would increase the flood risk and would have a detrimental effect on the ecology and archaeology of the site. There was a concern with the comments supplied by Southern Water regarding fire safety due to the lack of water on the site in case of emergencies.

- 3) Councillor Atkinson spoke in objection to the application in his capacity as a Local Councillor and thanked the residents of Mile Oak for all their help with producing leaflets, consulting neighbours and for submitting letters to the Planning department for the Committee to consider. He explained that he was disappointed that an environmental assessment had not been completed as part of the application. He noted that despite the Fox Way roundabout being widened there would be approximately 200 additional vehicles in the area due to the proposed scheme and would therefore not resolve the current problems in the area. He added that the assessment on the existing traffic movements on the network stated that there was one car per minute; however, this was not true. There were current problems with flooding in the area and Councillor Atkinson explained that the Old Village and Valley Road had recently been flooded badly. He explained that he was extremely concerned that the proposal would make the flooding in the area worse. He noted that Southern Water had stated in their comments submitted that there would be additional water in the sewers and drainage system which would result in additional risk in the area. It was noted that the GP surgeries in the area were already at full capacity. The buses that serviced the Mile Oak area were already under pressure and often full in the morning once they arrived at the Old Village. The access to the site from Overdown Rise was too narrow for the increase of vehicles accessing the site and this could also increase street parking in the area.
- 11) Mr Rainier, Mr Callcutt and Mr Kitching spoke in support to the application in their capacity as the agent, applicant and consultant respectively. It was stated that there was a previously refused application and this was now going through the appeal process; however, amendments had been made to the current application due to the comments made by the Planning Committee on 12 April 2017. The five dwellings previously proposed at Mile Oak Road had been removed and there would be a footpath link from the development to the South Downs National Park. The link to the Fox Way roundabout would be improved as part of the s106 requirement and there had not been any objections received from the Highways Authority. As part of the application there would be an ecological enhancement contribution and the reptiles on site would be relocated to Whitehawk Hill Local Nature Reserve. It was ensured that provisions would be put in place to ensure there was no surface water running off the site into the local area. Mr Callcutt concluded and stated that the proposal was a sustainable development in close proximity to local schools and it would contribute to the housing crisis in the city, including 50 affordable houses.
- 12) In response to Councillor C. Theobald it was noted that there were seven additional flats proposed in the scheme compared to the previously refused application; however, these were replacing the five houses removed on the Mile Oak Road access.

**Questions for Officers**

- 13) In response to Councillor Miller the Senior Solicitor explained that the Planning Officers had decided that a Sussex Police & Crime Commission contribution was not required in relation to this scheme. The Planning Manager added that there was ongoing discussion with the Police Commissioner and a meeting was scheduled to discuss contributions further. It was explained that the methodology needed to secure contributions for Sussex Police had yet to be agreed.
- 14) In response to Councillor Mac Cafferty the Principal Planning Officer explained that an Environmental Impact Assessment was not required for the development. It was noted that a Framework Management Plan had been submitted by the developer and a covenant would be a private matter.
- 15) In response to Councillor Mac Cafferty the County Ecologist clarified that it was recommended that the snakes were retained on site. It was unknown if there were hibernation sites on the site but these would be located in the scrub land which was being retained. The Sustainability Officer noted that condition 32 could be amended if the Committee agreed to require a full sustainability statement and checklist.
- 16) In response to Councillor Morris the County Ecologist explained that there were no recorded skylarks on the site and the grassland was currently not suitable for their habitat. The Principal Planning Officer confirmed to Councillor Morris that there were conditions on the application and the informatives were further details or advisory noted for the applicant.
- 17) In response to Councillor Yates the Flood Risk Management Officer explained that a formal maintenance plan would be submitted and the Flood Officers would ensure the system was maintained.
- 18) In response to Councillor Littman it was explained that the vast majority of the scrub land would be retained and this was most likely to have hibernation potential. It was also explained that there were a number of conditions for surveys to be undertaken before any development took place and this could result in the locations being altered or the reduction in units. The Planning Manager added that condition 4 stated that an Ecological Mitigation Strategy was to be submitted and approved in writing by the Local Planning Authority.
- 19) In response to Councillor Hyde the County Ecologist noted that adders hibernate in the scrub land and woodland and these areas were more sensitive and needed protection. The grassland on the north of the site was to be retained and there were proposed permeable boundaries to ensure badgers and hedgehogs were able to move throughout the site. It was added that there were not any badger sets on site. Measures would be put in place to ensure the animals were safe on the site during construction.
- 20) In response to Councillor C. Theobald the Development and Transport Assessment Manager explained that an assessment had been undertaken where local sensor data predicted the car parking demand. It was noted that the development had sufficient

space to accommodate the estimated parking and the availability of on street parking would increase due to the proposed roads on site.

- 21) In response to Councillor Hamilton the County Ecologist explained that there were a number of criteria when the SNCI was designated and this included public access.
- 22) In response to Councillor Morris the Principal Planning Officer noted that the East Sussex Fire & Rescue Service was contacted; however, no response was received. Southern Water had not submitted an objection; however, there were additional informatives and conditions proposed to protect the underground water supply resources.

### **Debate and Decision Making Process**

- 23) Councillor Miller stated that he had previously abstained on the application due to the issues regarding transport and ecology. He noted that these had been resolved and was pleased that the reptiles would be relocated to the Whitehawk Hill Local Nature Reserve and that the s106 contribution would be used to preserve the area. He explained that he would be supporting the Officer's recommendation.
- 24) Councillor Inkpin-Leissner explained that it was a difficult decision as there were existing problems with traffic, the local GP surgery was full and the schools were at full capacity. The Principal Planning Officer noted that the Education Officer had confirmed that there were places at both the primary and secondary school in the area.
- 25) Councillor Morris noted that he supported the previously refused application and would be supporting the Officer's recommendation for the current application. He stated that the transport aspects and previously raised ecology concerns had been improved. He noted that the scheme would contribute to affordable housing to the city.
- 26) Councillor Littman noted that the Planning Committee was right to refuse the previous application and the majority of the issues raised at Committee had been addressed. He explained that he did not like developing on the Urban Fringe; however, the site had been identified to have potential for housing and housing was needed for the city. He added that he would be supporting the Officer's recommendation.
- 27) Councillor C. Theobald noted that the development was too dense and there should be a higher percentage of family houses rather than flats. She noted concern for the access road and the narrow roads in the area and concerns for the flood risks.
- 28) Councillor Bennett stated that the ecology concerns had been addressed and she welcomed the public access routes to the green spaces and the new trees. She added that she agreed with Councillor C. Theobald and the application should have included more family houses.
- 29) Councillor Hamilton explained that in the past 60 years the electoral roll had gone from 300 residents to 3000. He noted that although Southern Water hadn't formally objected, they had raised issues in their comments regarding flood risk, water drainage and risk of pollution to the water. The improvements to Fox Way roundabout would make minimal difference to the flow of traffic as there were currently two lanes

approaching the roundabout from the west. He added that he would not be supporting the Officer's recommendation. The Development and Transport Assessment Manager clarified that currently the west approach to the Fox Way roundabout was a single lane informally used by two rows of traffic. The improvements would widen the lane to accommodate a left and right turn lane, consequently increasing the capacity and reducing the queues.

- 30) Councillor Yates noted that the proposal would gain public access to the site and would provide 125 new homes for the city. He noted concern for the flooding issues raised; however, explained he would be supporting the Officer's recommendation.
- 31) Councillor Hill noted that she was minded to support the Officer's recommendation as the site had been designated in the City Plan Part One to have potential for development as it would contribute to the housing crisis. It was positive that some of the land would be retained and the public access would be improved. There was a good bus service in the area and if there was a higher demand due to the development then the bus company would accommodate for this. The current application had resolved the queries raised at the previous Planning Committee.
- 32) Councillor Hyde noted that Urban Fringe sites should not be developed and brownfield sites needed to be focussed on. She explained that moderate changes had been made from the previously refused application; however, the removal of the five dwellings at Mile Oak Road had not made a difference as the density had increased on the lower part of the site. She added that she would not be supporting the Officer's recommendation.
- 33) Councillor Mac Cafferty noted that there was a housing crisis and there were thousands on the housing list. The scheme had been much improved since the previously refused application and the applicant had addressed the concerns raised by the Committee. He noted that Councillors did not want to develop on urban fringe sites; however, it was needed to contribute to the housing need in the city. He would be supporting the Officer's recommendation.
- 34) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to grant was **carried** by 8 votes in support, 3 refusal and 1 abstention.
- 44.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report, and resolves to be **MINDED TO GRANT** planning permission subject to a s106 Agreement, conditions and informatives as set in the report with the amendments to condition 32 below:

No development above ground floor slab level of any part of the development hereby permitted shall take place until a Sustainability Statement and an online Sustainability Checklist robustly demonstrating how the scheme addresses Brighton & Hove City Plan Policy CP8 has been submitted and approved in writing by the Local Planning Authority. The approved 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 ensure that the development is sustainable and makes efficient use of energy and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

- S106 – Contribution towards Local Employment Scheme - £50,100
- Condition 4 deleted as covered by altered wording of condition 29,
- Conditions 7, 18, 25, 26, 29 & 30, wording altered; and
- Reference to condition 16 added to informative 4.

**B BH2016/01903 - Coombe Farm, Westfield Avenue North, Saltdean - Full Planning**  
Outline application for demolition of existing farm buildings and erection of 67 family dwellings with public open space and approval of reserved matters for access and landscaping.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

#### **Officer Presentation**

- 2) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained the site was currently used for car repairs, caravan storage and livery stables. The site was part of the urban fringe; however, it was not a conventional green field site and was a quasi-brownfield site. Large parts of the site had existing buildings and were covered in concrete and there was also a slurry pit. The Urban Fringe Assessment had identified the four parcels which included most of the application site for 70 potential dwellings in total; however, this had been reduced to 55 units in total due to the sensitive location. The applicant had previously applied for 67 dwellings; however this had been reduced to 60 dwellings. It was agreed that eight dwellings would be removed as they would be too visible from the South Downs National Park and one new dwelling had been proposed on another area of the site. These changes had been made due to consultation between the applicant and the County Ecologist and County Landscape Architect.
- 3) The site was set down low in the landscape within the valley and the Principal Planning Officer showed photos from the public footpaths from the South Downs National Park that showed the site would not be visible. If the site was to be developed it would be seen as an extension of the existing residential area and would have buffer landscaping around the site. It was explained that the Planning Members had raised queries regarding the land levels at the site visit and the Principal Planning Officer showed a diagram that gave an indication of the variation of height across the site and added that some levelling would be needed.
- 4) The County Ecologist had consulted with the applicant and was now supportive of the Officer's recommendation. It had been agreed to reduce the number of dwellings, increased buffer landscaping zones and recommended mitigation measures.
- 5) The access to the site would be from Westfield Avenue North and this would be improved as part of the application. The site would provide sufficient parking and was supported by the Highway Authority. There was also a proposed footpath into the site. The traffic would flow onto the A259. The Air Quality Officer had provided comments

which were overall supportive of the application and had made suggestions that were covered by condition.

- 6) The Principal Planning Officer concluded and explained that the proposal was supported by the City Plan Part One and the Urban Fringe Assessment. It was a quasi-brownfield site and the landscape and ecological impact was deemed acceptable. The highway access and transport contribution was suitable and the air quality concerns had been resolved. The scheme would provide housing for the city, including 40% affordable housing, and a contribution to open space, recreational provision and indoor sports facilities of £223,185.71.

### **Public Speaker(s) and Questions**

- 7) Ms Robertson spoke in objection to the application in her capacity as a local resident. She stated that the scale and density of the development should be in keeping with the neighbouring properties. Concerns had been raised by the local residents that the development on the quasi-brownfield site would lead to development on the greenfield sites either side. It was added that the proposed buffer landscape was not enough. She explained that the roads in East Saltdean were in need of repair and the additional vehicles in the area would cause further problems for the existing residents. It was also noted that the vehicle access via Westfield Avenue North was too narrow to accommodate the construction trucks and the vehicles used by the future residents. The GP surgeries in the area and Saltdean Primary School were at full capacity and the other local schools were almost full. The development would cause noise disturbance to the residents and have an effect on the existing air pollution.
- 8) In response to Councillor Hyde it was explained that the construction vehicles used to develop the site would have a detrimental effect on the existing problems. She noted that there was congestion in the area and the buses could not pass each other due to the narrow roads.
- 9) Ms Gallagher spoke in objection to the application on behalf of the Saltdean Residents' Association. She stated that Lloyd Russell-Moyle MP had recognised the existing traffic problems in the area and this would be worsened by the proposed scheme. The pollution would increase and have a detrimental effect on the air quality.
- 10) In response to Councillor Miller it was clarified that Lloyd Russell-Moyle MP had not submitted an objection to the application.
- 11) Councillor Mears spoke in objection to the application in her capacity as a Local Councillor. She expressed concern for the s106 contribution to primary and secondary education as Saltdean Primary school had been expanded and was at full capacity and Longhill High School was almost at full capacity. The bus service would not have access to the site and would be a long walk for the residents to the bus stop; therefore, this would encourage the use of cars. She noted that the traffic report in the agenda was out of date, there were more cars used in the area and the pollution levels in Rottingdean High Street were higher than stated. The GP surgeries in the area were full and the surrounding infrastructure was unable to cope with the additional residents. She explained that there was concern as local residents had seen badgers and bats on the site in the barns that were to be demolished. She noted that the city did need

housing; however, the application should have been for full planning permission, rather than an outline application, for the Planning Committee to have a full debate.

- 12) Mr Burgess and Mr Fender spoke in support to the application in their capacity as the agent and architect. It was stated that the City Plan Part One had identified potential sites for housing and to meet the demand 1060 dwellings would need to be developed on Urban Fringe sites. Mr Burgess explained that the application had been subject to a pre-application presentation and the applicant and agents had consulted with Planning Officers and residents. There had been no objections received from the South Downs National Park Authority, Highways Authority, County Ecologist, County Landscape Architect, Environment Agency, Education Authority or Planning Policy Team. The majority of the site was currently covered in concrete, had derelict farm buildings that were being used for storage and a slurry pit. It was no longer needed for farming use but could be used for housing. The proposed density for the site was 16 dwellings per hectare and this was lower than the surrounding developed areas. The scheme would provide family homes, which would be two storeys high, and 40% of the dwellings would be affordable housing. The application included a contribution to local education, transport, open space and indoor sporting facilities and existing footpaths would be improved.
- 13) In response to Councillor Miller Mr Burgess clarified that a contribution of £223,185.71 for open space and recreation would be made and there was open space included in the proposed development.
- 14) Mr Fender noted to Councillor Miller that the majority of the proposed dwellings would be lower level houses with tiered gardens.
- 15) In response to Councillor Morris Mr Burgess explained that if there were bats in the existing farm buildings then the applicant would prepare for them to be relocated somewhere else before demolishing or developing.
- 16) In response to Councillor Mac Cafferty it was noted that the access road would be widened and a controlled crossing with footpaths would be provided within the site.
- 17) In response to Councillor C. Theobald it was explained that the applicant had suggested an area of land on the site to be made available for the paddocks if there was a desire for them to stay on site.

### **Questions for Officers**

- 18) In response to Councillor Yates the Principal Planning Officer stated that there had been a pre-application presentation for the proposed scheme.
- 19) In response to Councillor Morris the County Ecologist explained that the buildings on the site had been assessed and there was not the potential to house bats. There were trees on site with the potential but these were not being removed.
- 20) In response to Councillor Mac Cafferty the Development and Transport Assessment Manager noted that the S106 contribution would go towards public footway improvements, bus stop improvements including a shelter to be installed and minor

footpath improvements in the immediate area. It was also explained that the queries raised by the objectors regarding the buses would not be a planning matter for the application but would be for Brighton & Hove Buses to investigate and resolve.

- 21) In response to Councillor Littman the Development and Transport Assessment Manager explained that it was likely the future residents would have cars; however, they needed to ensure there were good connections in the area and there were shops and bus stops accessible from the site. It was noted that the use of public transport or cycling needed to be promoted.
- 22) In response to Councillor Miller it was clarified that condition 19 ensured a provision for electric vehicle charging points within the proposed car park. It was also noted that there may not be a demand for a car club due to the size of the proposal and the amount of parking spaces available on site; however, this would be a decision of the car clubs as they were private companies.
- 23) The Principal Planning Officer stated to Councillor Miller that the s106 contribution towards education would be spent in the identified schools within the catchment area. The open space within the site would be open to the public and not private. The Officer's agreed to feedback to Members the identified locations for the open space and indoor sport contribution.
- 24) In response to Councillor Hill the Development and Transport Assessment Manager explained that if the applicant did not wish for the Highways Authority to adopt the access road then the applicant would need to maintain the road. Brighton & Hove City Council would not be involved in the maintenance of private roads and the applicant would need to develop a maintenance plan. It was also noted that the parking standards were set to a maximum and there was not a minimum standard. This ensured control over car parking spaces to ensure there was not a significant overspill into the surrounding areas.
- 25) In response to Councillor Morris it was noted that if the access road and proposed roads within the site were private then the applicant would be solely responsible for street parking.
- 26) In response to Councillor Hyde the Principal Planning Officer explained that if the application was agreed then the applicant would have to comply with the buffer landscaping when the reserved matters application was submitted. It was added that the Committee could agree to offer an informative regarding the buffer landscape.
- 27) In response to Councillor Hyde the Development and Transport Assessment Manager explained that the Committee could agree to extend the bus season ticket offered to residents as part of the Residential Travel Plan and residents could choose between this or the £200 voucher towards the purchase of a bike. It was also noted that the Committee could agree to add an informative to ensure construction vehicles were routed along Coombe Vale and Westfield Avenue.
- 28) The Development and Transport Assessment Manager clarified to Councillor Yates that the construction traffic using both routes would not reduce the number of vehicles

accessing the site but would lessen the impact. It was also noted that it would not be appropriate to suspend a bus stop as the bus route could still operate.

- 29) In response to Councillor C. Theobald it was explained that the access road was to be improved and widened to 5.5 metres and this would be adequate for emergency services vehicles and construction vehicles. There would be a pedestrian footpath to the side of the access road which would incorporate a crossing where pedestrians would need to cross the road.
- 30) In response to Councillor Bennett it was clarified that Condition 20 ensured appropriate street lighting was installed and this would be assessed.
- 31) In response to the Chair the Principal Planning Officer confirmed the site was adjacent to the South Downs National Park and this would not be developed as part of the application.

### **Debate and Decision Making Process**

- 32) Councillor Inkpin-Leissner stated that the site was not a greenfield site and was already concreted. He noted that the traffic and transport issues within the area should be improved after the comments made from the objectors; however, he welcomed the Residential Travel Pack and would agree to condition the season bus ticket to be extended to one year. He explained that he would be supporting the Officer's recommendation as the site would provide housing for the city.
- 33) Councillor Morris noted that it was classed as an urban fringe site; however, it was a quasi-brownfield site. He explained that he was happy for the gardens to be backing each other as it would encourage neighbourliness. He would be supporting the Officer's recommendation.
- 34) Councillor Miller noted concern for the greenfield sites surrounding the development and how these could be effected and the site had been identified for a potential of 55 dwellings and the proposed scheme was for 60. He explained that if the Committee agreed to an informative on splitting the construction traffic between Coombe Vale and Westfield Avenue then this would be an improvement. He welcomed assurance from the Officer's that the s106 contribution towards education and open space would be used within the local vicinity. He stated that the application would be positive if there were a few minor changes and would; therefore, not be supporting the Officer's recommendation.
- 35) Councillor Littman noted that the location of the site was acceptable for housing and it was a quasi-brownfield site. He explained that there were current problems in the area with traffic; however, he thought the Officers had worked hard to resolve these issues and an extension of the bus season ticket to one year would be positive. There was a need for housing in the city and he noted; therefore, he would be supporting the Officer's recommendation.
- 36) Councillor Hyde explained that if the Committee granted the application then it needed to be ensured that the s106 contributions were invested in the local area. She noted concern for the additional cars in the area and using the A259 which would increase

the pollution. She also stated that the GP surgeries and local schools were a concern as the local primary school was at full capacity.

- 37) Councillor Yates noted that there were concerns for the vehicle movement in the surrounding areas and the road conditions; however, if the proposed conditions were enforceable then he would be supporting the Officer's recommendation.
- 38) Councillor C. Theobald explained that there could be concern if the proposed roads within the site were not adopted by the Highways Authority and the access road needed improvements. She also added concern for the local schools, GP surgeries and the currently infrastructure.
- 39) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to granted was **carried** by 9 votes in support, 2 refusal and 1 abstention.

44.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report, and resolves to be **MINDED TO GRANT** planning permission subject to a s106 Agreement, conditions and informatives as set out in the report and the amended s106 Head of Terms and additional informatives set out below:

- i) Amendment of the S106 Heads of Terms from the sixth bullet point to read:
- A Residential Travel Plan, to include a Residential Travel Pack, to be provided for all first occupiers of the development, to include:
    - Provision of 2, twelve month bus season tickets to each first residential property or
    - Free voucher towards the purchase of a bike – voucher £200 1 per household and
    - Public Transport Information and
    - Local walking & cycling maps.
  - The provision and management of the children's equipped play area (a LEAP), picnic areas, informal open space and landscaping.
  - Financial contribution of £223,185.71 towards open space and recreation.
  - Artistic Component element of £45,000.

Additional Informatives:

- 18) The applicant is advised that the details submitted for reserved matters approval should include appropriate distances between the approved dwellings and existing adjoining dwellings to safeguard the amenities of residents with regard to privacy and overlooking.
- 19) The applicant is advised that the details of construction traffic routes submitted to discharge Condition 8 should include the routing of vehicles along Coombe Vale and Westfield Avenue.

**C BH2017/01108 - Site Of Sackville Hotel, 189 Kingsway, Hove - Full Planning**

Erection of 5 to 8 storey building to provide 60no residential dwellings (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville gardens, 21no basement car parking spaces, 6no ground floor car parking spaces, cycle parking, plant and associated works.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

**Officer Presentation**

- 2) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and noted that there was a letter published in the Late Representations List from Councillor Bewick providing comments and regarding the scheme. The proposal was for 60 units and these would be: 40 one bedroom and studio flats, 19 two bedroom flats and one three bedroom flat. Following the submission of further viability information since the completion of the report and advice from Housing Strategy, it was recommended that five (8%) affordable rented units be secured in the S106 Agreement.
- 3) The corner of the south elevation would be curved and this had been agreed after consultation at a Design Panel. The four proposed flats on the top storey would be set back. The proposed materials were not traditional within the conservation area; however, the development had traditional elements and was deemed acceptable as a new build.
- 4) It was explained to the Committee that the units complied with the national space standards and the majority of units had a small, external balcony area. It was added that there would not be additional harm of overlooking on the neighbouring properties.

**Questions for Officers**

- 5) In response to the CAG representative it was explained that the developer had requested that a feature was designed within the site and would be seen from the public realm. It was added that it would be subject to the agreement of Officer's.
- 6) In response to Councillor Morris the Principal Planning Officer explained that the material palette submitted was acceptable for the scheme. Materials could be approved by Officers in consultation with the Chair, Deputy Chair and Opposition Spokespersons attending the Chair's briefing.
- 7) In response to Councillor Inkpin-Leissner it was noted that the scheme at the pre-application presentation was six storeys with two additional penthouse levels; however, the applicant was now applying for seven storeys with an additional one storey penthouse. The majority of the proposed development would be brick and the penthouse level would be cladding.
- 8) In response to Councillor Littman it was noted that the Heritage Officer had objected to the proposal due to the height and that it would "dwarf" the neighbouring properties. It was explained; however, that the Planning Officers thought overall that the height was

acceptable and was replicated in other areas near the site so was in keeping with the street scene.

- 9) In response to Councillor Mac Cafferty the Principal Planning Officer noted that the bronze material had been used on seafront buildings before and the Officers would ensure these would not rust.
- 10) In response to Councillor Littman the Development and Transport Assessment Manager explained that due to the transport links in the area and the cycle provision on site the applicant was not required to contribute towards a bike share scheme.
- 11) In response to Councillor Yates the Development and Transport Assessment Manager noted that the encouragement for the use of public transport was not needed for the residents due to the transport links in the area. A stronger travel plan would be necessary if there was a concern for a high rise with on street parking.
- 12) In response to Councillor Hyde it was noted that the proposed units met the national space standards.
- 13) The Planning Manager clarified to Councillor Miller that studio flats were considered when assessing the affordable housing contribution; however, these would not be considered for the education and transport contribution.
- 14) The Public Realm improvement with an artistic component would not be a financial contribution; however, would be worth approximately £19,000 and the value and location would be assessed.
- 15) In response to Councillor Miller it was explained that the Planning Officers sought the maximum amount of affordable housing for each scheme up to 40%. The District Valuer Services (DVS) assessed the submitted viability information and concluded that 33% affordable housing was viable; however, they could not reach agreement with the applicant. The applicant's consultant had resubmitted viability reports and assessments after the consultation with the DVS.
- 16) In response to Councillor Littman it was explained that there was a difference of opinion between the DVS and applicant on the methodology used to calculate the affordable housing contribution and the Council sought the opinion of a third party, BNP Paribas.
- 17) In response to Councillor Hyde the Principal Planning Officer explained that it was felt necessary to gain a second opinion from BNP Paribas.
- 18) In response to Councillor Morris it was explained that applications were reported to Committee as expediently as possible and the applicant had submitted further information after the agenda had been published.
- 19) In response to Councillor Miller the Planning Manager explained that the Officers had tried to secure an acceptable amount for affordable housing and commissioned a further independent review. Following receipt of this further review and the additional information agreement had been reached.



**Debate and Decision Making Process**

- 20) Councillor Inkpin-Leissner stated that he would not be supporting the application as the scheme had changed from the pre-application presentation and more units had been proposed. He also noted that affordable housing was needed within the city and was unhappy that the developer did not initially propose any.
- 21) Councillor C. Theobald explained that she preferred the scheme at the pre-application presentation stage with two penthouse levels. The proposed development was too tall and it should be in line with the neighbouring property as it would overshadow the balconies. She also noted that the proposed 27 car parking spaces were not enough for the amount of proposed units. Due to the lack of affordable housing contribution she explained that she would not be supporting the Officer's recommendation.
- 22) The CAG Representative explained that he was grateful the applicant had extended the pre-application presentation to the members of CAG and thought the design and materials would be aesthetically pleasing. He noted concern for the height of the building; however, CAG were not recommending the refusal of the application.
- 23) Councillor Hyde noted that a condition for an addition three units to rent and four were for shared ownership would be appreciated. She explained that the site had been derelict for too long and there was a need for studio flats within the city. She was satisfied with the south and east elevations; however, the north elevation was too dominating. She added that she was pleased with the amount of proposed parking on site. She would be supporting the Officer's recommendation.
- 24) Councillor Miller explained that he would not be supporting the Officer's recommendation unless the Committee agreed to defer the application to a future Planning Committee. He wished for more information to be gathered regarding the concertina walls in the proposed studio flats and for the viability to be re-assessed by the DVS. He explained that the proposed studio flats meant that a contribution towards transport and education were not needed; however, they appeared to be one bedroom flats with a concertina wall. He had concern for the parking on site and a larger transport contribution would have resolved this.
- 25) Councillor Littman noted that the internal and external design was aesthetically pleasing; however, he did not like the northern elevation and agreed with the comments from the Heritage Officer regarding the proposal dwarfing the neighbouring properties. He added that he would appreciate a slightly amended application.
- 26) The Senior Solicitor explained to the Committee that Members could agree to defer; however, the application would miss the agreed extension of time and the applicant could appeal for non-determination. The Planning Manager added that a further extension of time could be requested from the applicant.
- 27) Councillor Miller proposed to defer the application for the viability to be re-assessed by the DVS and to calculate the s106 contribution from both studio flats and one bed flats. This was seconded by Councillor Morris.

28) The Chair then put the proposal of the deferral and this was **carried** by 7 votes for, 4 against and 1 abstention.

44.3 **RESOLVED** – That the Committee agreed to defer the application.

**D BH2017/01891 - West Blatchington Primary & Nursery School, Hangleton Way, Hove - Full Planning**

Demolition of existing school buildings. Erection of Primary school and nursery schools (2 form entry) replacing existing school buildings and erection of secondary school (5 form entry including 6<sup>th</sup> form) including re-provision of sports pitches and provision of new access and parking and associated landscaping.

1) It was noted that the application had been the subject of a site visit prior to the meeting.

**Officer Presentation**

2) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and that in addition to the representations on the Additional Representation List a further six letters of objections had been received. The additional representations did not include any new material planning considerations in addition to those set out in section 4 of the Committee report.

3) The current buildings on the site would be demolished and temporary buildings would be provided for West Blatchington Primary and Nursery School to the west of the site. Kings School needed a new school within the city and this site would also provide a sixth form college and it was estimated that Kings School would reach its maximum size of 1050 pupils within five years. The capacity of West Blatchington Primary School would increase by 20 pupils and an autistic support unit and nursery would also be provided. There were two separate proposed accesses to the site and each school would have two proposed car parks.

4) The buildings would be a combination of one and two storeys in height. There would be a blended brick effect on Kings School and West Blatchington Primary School would have a different colour scheme in brick. It was noted that the final materials were secured by condition.

5) The Principal Planning Officer noted that there would be a loss of playing fields and an objection had been received from Sport England; however, the Brighton & Hove City Council Sport Facilities Team supported the proposal. Some of the playing fields would be retained for Kings School and would provide a senior football pitch, two smaller football pitches, a training grid, a cricket wicket pitch, two athletics tracks and three multi-use games areas. West Blatchington Primary School would retain their multi-use games area and have a smaller football pitch. A financial contribution of £150,000 towards the enhancement of sports facilities would also be secured.

6) As part of the proposal, 20 trees would be removed. There had been no objection received from the Arboriculturist as these trees were not protected and substantive planting would be secured as part of a comprehensive landscaping master plan. Due

to the sensitive location of the site a landscape visual assessment was submitted of the affected views.

### **Public Speaker(s) and Questions**

- 7) Ms Lynch spoke in objection to the application in her capacity as a local resident. She stated that she was the CEO of the Russell Education Trust and was objecting to one of the s106 Heads of Terms regarding the introduction of a minibus service. She explained that the Russell Education Trust could not make the commitment due to the funding and wished to encourage students to walk to school. She explained that Kings School actively discouraged parents from dropping the children off at school and there was a local bus service in the area that could be used. She requested that Members removed the requirement from the s106 Heads of Terms.
- 8) In response to Councillor Yates Ms Lynch explained that she was supportive of the application; however, she wished to object to the one head of term.
- 9) In response to Councillor Hyde the Principal Planning Officer explained that the Russell Education Trust were the prospective occupiers and not the applicant. The Senior Solicitor noted that obligations in a s106 were enforceable against the landowner and it was the duty of the landowner to ensure the obligations were complied with.
- 10) In response to Councillor Hill Ms Lynch explained that she did not want the Committee to refuse the application but to remove the requirement for a mini bus.
- 11) Councillor Janio spoke in his capacity as a Local Councillor. He stated that he was fully supportive of the application and the facilities were desperately needed. It would be beneficial in the Hangleton area; however, he had concerns for the traffic in the area as there would be twice the amount of pupils. He requested a zebra crossing in the area as it was currently dangerous and would be made worse with the extra trips a day. The roads were currently too narrow for two buses to pass. He noted that although he was supportive of the application, transport solutions were needed.
- 12) In response to Councillor Hyde Councillor Janio explained that he often received complaints from local residents that they could not get the bus in the morning as they were full.
- 13) In response to Councillor Miller it was explained that the local residents did not have any consultation with the applicant and noted that it would be positive if the Ward Councillors, interested parties and the applicant could meet to discuss transport options.
- 14) In response to Councillor C. Theobald it was agreed that additional buses in the area could help; however, it was already chaotic in the area during the rush hour.
- 15) Ms Tipper spoke in support to the application in her capacity as the agent and stated that the proposal had been the subject of a detailed pre-application presentation to Planning Committee Members and pre-application discussions with officers. She explained that the proposal would increase the capacity of West Blatchington Primary

School and provide a site for Kings School which could potentially help provide school places to the increase that would be produced from the Toads Hole Valley proposal. There was a loss of playing fields; however, it was considered that this was the most effective development of the site. The proposal would meet the individual needs of both schools and included a significant enhancement of sports facilities.

- 16) In response to Councillor Yates Ms Tipper noted that all elements of the travel plan had been considered and they were satisfied that the development would be suitable for the area. She had spoken to the Case Officer regarding the amendment of the S106 Head of Terms regarding the wording being broader for the requirement of a minibus.
- 17) In response to Councillor Morris Ms Tipper explained that the applicant had met with Sport England as part of the pre-application presentation and it was considered that the diversity and quality of the provision being offered for both schools and it being available to the public through leasing agreements was considered acceptable.
- 18) In response to Councillor Mac Cafferty it was noted that advice had been sought from the structural engineers and due to the location of the development any solar panels installed would not meet health and safety regulations. It was also noted that the applicant was mindful of the visual element from the South Downs National Park.

#### **Questions for Officers**

- 19) In response to Councillor Hamilton the Senior Solicitor noted that the Security of State could call the application in for his own decision and this could delay the decision by months.
- 20) Councillor Miller queried whether the sport contribution could be released at the earliest opportunity to mitigate the loss; however, the Principal Planning Officer explained that this would not be appropriate as it was standard practice for the contributions to be pre-commencement.
- 21) In response to Councillor Miller it was noted that it would be acceptable for the Committee to agree to an informative encouraging the applicant to meet with the Ward Councillors to discuss travel options.
- 22) In response to Councillor Mac Cafferty it was noted that condition 23 secured that the development would achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'. This was the responsibility of the applicant and officers would help them to achieve this.
- 23) In response to Councillor Yates the Development and Transport Assessment Manager explained that there was no requirement specified as to how the minibus would be funded.
- 24) In response to Councillor Morris the Principal Planning Officer believed that the proposed panels were both decorative and for insulation. It was explained that the fire safety aspect of these would be a building regulation matter.

**Debate and Decision Making Process**

- 25) Councillor Miller stated that he did have concerns regarding the sports facilities; however, he had been reassured through the discussion. He would be supporting the Officer's recommendation.
- 26) Councillor Inkpin-Leissner explained that the proposal would provide a new teaching facility which was positive. He stated that he did not agree with the Sport England objection because although there was a loss of playing fields, additional facilities were being provided. He explained that he would be supporting the Officer's recommendation.
- 27) Councillor Hyde agreed with Councillor Inkpin-Leissner regarding the objection submitted from Sport England. She noted that she attended the site visit and was surprised about the size of the site. The design and colours were aesthetically pleasing.
- 28) Councillor Yates noted that the minibus would provide a good service as children attending the school would not necessarily be in the catchment area. He noted that he would be supporting the Officer's recommendation.
- 29) Councillor C. Theobald noted that a new school was much needed in the city and the design of the proposal was good. She noted concern for the current traffic issues in the area; however, she hoped the review of the traffic plan would resolve this.
- 30) Councillor Littman noted that he would be supporting the Officer's recommendation.
- 31) Councillor Morris suggested that the applicant could install wind turbines on the roof of the development. He also noted that there was a need for a school in the city and would be supporting the Officer's recommendation.
- 32) Councillor Hamilton noted that the temporary building for Kings School in South Portslade was currently at full capacity and it was important for this site to be developed.
- 33) Councillor Bennett noted the positive design and that it was a large site. The school was needed in the city and included a huge improvement to the West Blatchington Primary School and the nursery.
- 34) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to granted was **carried** unanimously.
- 44.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the Secretary of State deciding not to call in the application for determination, and the s106 agreement, conditions and informatives set out in the report as amended by the amended S106 Head of Terms, amended conditions and the additional informative set out below:

- i) Amend S106 heads of terms 7<sup>th</sup> bullet to read:
- A Travel Plan including car park/drop-off area management plan, commitment to introduction of a dedicated bus or mini bus service or enhancement of existing bus services, inclusion of the construction period and use of the site outside school hours;

- ii) Amend Condition 21 to read:

Prior to first occupation of each respective phase of the development as agreed under condition 3, unless an alternative timescale is agreed by the Local Planning Authority, details of the car park layout to include circulation roads, vehicle swept paths, drop-off areas, disabled parking, motorcycle parking and pedestrian routes including dropped kerbs 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 respective phase of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of pedestrians, disabled staff and visitors to the site and motorcycle users and to comply with policies CP9 of the City Plan Part One and policies TR7 and TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

- iii) Amend Condition 22 to read:

Prior to first occupation of each respective phase of the development as agreed under condition 3, unless an alternative timescale is agreed by the Local Planning Authority, details of secure cycle parking facilities for the occupants of, and visitors to, the development and safeguarded areas to allow for future expansion of cycle parking 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 respective phase 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 TR14 of the Brighton & Hove Local Plan.

- iv) Amend Condition 26 to read:

No development above ground floor slab level for each respective phase of the development as agreed under Condition 3 shall commence until a Scheme to Enhance Nature Conservation interest within the site has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include provision of a minimum of 8 bird nesting boxes (house sparrow and swift), 2 bat nesting boxes, and provision logpile and meadow habitats, and 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 approved Scheme shall be implemented before first occupation of each respective phase of the development (or in the first planting season following occupation with regard to meadow habitat) and retained thereafter.

**Reason:** In the interests of enhancing biodiversity, to comply with policy CP10 of the Brighton and Hove City Plan Part One.

Additional Informative:

The applicant is requested to discuss the transport provisions associated with the development with ward councillors and local residents at the earliest opportunity.

**E BH2017/02256 - Royal Sussex County Hospital, Eastern Road, Brighton - Full Planning**

Erection of a 4no storey extension to existing Emergency Department building with associated alterations.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

**Officer Presentation**

- 2) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and noted that the development would accommodate 70 short stay assessment beds for the Accident and Emergency department. It was explained that the ambulance and emergency police parking spaces would be retained.
- 3) The main considerations for Members were: the design and appearance, including the impact on the neighbouring conservation areas; the introduction of a tall building and a different architectural style; the highly contemporary design, including the use of metal; the impact to the amenity of nearby residents; and the sustainability and infrastructure demands.

**Questions for Officers**

- 4) In response to Councillor Miller the Officer explained that they had consulted with the applicant regarding the material and it had a lifetime guarantee and would not rust.

- 5) In response to Councillor Morris the Planning Manager explained that the Artistic Influence sort was a broader terminology used for an art contribution.
- 6) The Principal Planning Officer clarified to the CAG representative that there was less metal mesh in comparison to the designs at the pre-application presentation as the Planning Department felt it was important to have more windows.
- 7) In response to Councillor Hyde it was noted that the applicant wished to have a contemporary building with its own identity and for it to be a statement that the NHS was modernising.
- 8) In response to Councillor Yates it was explained that there was a suggestion for an enhancement scheme to improve the wall adjacent to Bristol Gate.
- 9) In response to Councillor Mac Cafferty it was noted that the two listed posts at the bottom of Bristol Gate were to be removed during construction of the 3Ts project and replaced after the work had been completed.
- 10) The Development and Transport Assessment Manager responded to Councillor Inkipin-Leissner and explained that the reflection of light from the building would not be a highways concern as the development was higher than street level. It was also explained that the access would be retained to the Accident and Emergency department.
- 11) In response to Councillor C. Theobald it was explained that the metal mesh material would not cover the windows.

**Debate and Decision Making Process**

- 12) Councillor Yates stated that it was a much needed building; however, he did not like the design and it was not in keeping with the area or the other hospital department buildings. He noted that despite this he would be supporting the Officer's recommendation.
- 13) Councillor Hyde agreed with Councillor Yates regarding the design of the building. She noted that the facilities the building would provide were good and needed for the city; however, the design of the building would impact hugely on the neighbouring conservation area. She noted that she would not be supporting the Officer's recommendation.
- 14) Councillor Littman noted that he was undecided if he would support the Officer's recommendation as the design was not in keeping with the surroundings.
- 15) Councillor C. Theobald noted that she believed the design would look good once the building had been completed. The facilities were needed for the city and she was pleased about the proposed building.
- 16) Councillor Mac Cafferty noted that the building should be easily identifiable from the outside and the design was bold and would complement the buildings in the area.



- 17) Councillor Hill explained that the wall adjacent to Bristol Gate needed to be improved and the scheme would provide this. There was a mix of design in the area and the proposal would be an interesting contribution; therefore, she would be supporting the Officer's recommendation.
- 18) Councillor Miller stated that he liked the design and was pleased to see more investment in the NHS. He noted that the public art contribution may not be necessary due to the deficit of the NHS.
- 19) Councillor Morris noted concern for the lack of overall design strategy for the hospital and stated that there were other visual ways to differentiate departments. He explained that he wanted to support the application due to the facilities it would provide; however, he was mindful to refuse the application due to the design.
- 20) Councillor Inkipin-Leissner agreed with Councillor Morris and noted that the facilities were needed for the city; however, a design strategy was needed for the hospital. He noted that he would not be supporting the Officer's recommendation.
- 21) The CAG representative noted that CAG had not raised any objections because the views from the conservation areas would not be affected. He explained that the conservation officers had worked hard to ensure there wasn't an impact and CAG were overall happy and supportive of the design.
- 22) The Chair noted that she liked the design of the building and that it would be bold and modern. She noted that she would be supporting the Officer's recommendation.
- 23) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to grant was **carried** by 8 votes in support, 2 refusal and 1 abstention.
- 44.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report, and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement, conditions and informatives as set out in the report.

Note: Councillor Bennett was not present for the consideration and vote on the application.

**F BH2017/01176 - Land At Goldstone Street, Hove - Full Planning**

Erection of a 3 storey office building (B1) with 2no disabled parking spaces, bin storage and roof terrace.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

**Officer Presentation**

- 2) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that there were two disabled spaces provided as part of the application. It was explained to the

Committee that the main considerations for the application were: the principle of the planned use, policy compliance, design and appearance, impacts on amenity, sustainable transport and sustainability. It was noted that the proposal was for a three storey building and whilst it was disappointing that it was not part of a wider scheme, the proposal would not prejudice the future redevelopment of the area, including the adjoining site and would provide benefits to the street scene. The contemporary design was considered acceptable by the Planning Officers. There would be no detrimental effect on the amenity of the surrounding high rise blocks. A parking survey was completed by the application, and this showed there would not be a significant overspill of cars in the residential area and the Transport team was satisfied with the scheme.

### **Questions for Officers**

- 3) In response to Councillor C. Theobald the Development and Transport Assessment Manager explained that there were transport links in the area and there were residential parking bays the employees could use nearby. It was added that if the applicant deemed there was a problem once they had developed then they could offer parking to their employees on one of their nearby sites.
- 4) In response to Councillor Miller the Principal Planning Officer noted that there was a small proposed terrace area on the roof and roof plant. In response to Councillor Morris it was noted that the remainder of the roof could not be used and this was secured by condition.
- 5) In response to Councillor Yates it was explained that a travel assessment had been carried out and the results were the potential parking problems would not have a significant impact and therefore officers were not recommending refusal. There was a s106 contribution to improve the travel routes and access from the railway station.
- 6) In response to the Chair the Principal Planning Officer explained there was a pre-application presentation for the scheme and the applicant had explored applying for additional storeys; however, the Councillors must determine the application on its own merits. It was added that the site was currently an empty car park and on balance the Officers deemed the application acceptable.

### **Debate and Decision Making Process**

- 7) Councillor Bennett stated that there was not a problem with the design; however, it was disappointing that the scheme did not include parking. She explained that it was currently difficult to find a parking space in the area due to the station, local schools and residential properties.
- 8) Councillor C. Theobald noted that undercroft parking would have been ideal for the scheme.
- 9) Councillor Hyde agreed with both Councillors Bennett and C. Theobald and noted that the scheme was aesthetically pleasing; however, parking needed to be provided.
- 10) Councillor Inkipin-Leissner agreed with parking concerns; however, noted that this could be resolved if the future employees were provided with a season bus ticket.

- 11) Councillor Hamilton noted that the applicant could arrange for the workers to park in the bus depot when the buses were not parked during the day.
  - 12) Councillor Miller noted that he would not be supporting the Officer's recommendation due to the parking and that the scheme was under developed.
  - 13) The Chair noted that parking needed to be provided on site and the site was under developed for the location.
  - 14) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to granted was **refused** by 5 votes in support and 7 refusals.
  - 15) Councillor Miller proposed an alternative to the Officer recommendation to refuse the application on the grounds of low density and underdevelopment, loss of existing car parking and substantial parking impact on surrounding area. Councillor Miller's alternative recommendation was seconded by Councillor Inkipin-Leissner.
  - 16) A recorded vote was taken on the proposed alternative recommendation by the 12 Members present. This was **carried** with Councillors C. Theobald, Bennett, Hyde, Inkipin-Leissner, Miller, Morris and Moonan in support, Councillors Mac Cafferty, Hamilton, Hill, Littman and Yates against.
- 44.6 **RESOLVED** – That the Committee has taken into consideration but disagrees with the reasons for the recommendation, and resolves to **REFUSE** permission for the reasons set out in paragraph 16.

### Minor Applications

- G BH2017/00767 - 7 Meadow Close, Hove - Householder Planning Consent**  
Erection of additional storey with associated alterations and single storey rear extension.
- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

### Officer Presentation

- 2) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was noted that there was a previously refused application for a three storey dwelling, with a basement level, of a contemporary design. The current revised application had a reduction in height and bulk with a more sympathetic design that was in keeping with the street scene. The removal of the top storey would ensure there was not a significant problem with overlooking to the neighbouring properties. The main consideration was the impact of the proposed development on the character and appearance of the street scene.

**Public Speaker(s) and Questions**

- 3) Mr Reeves spoke in objection to the application in his capacity as a local resident and stated that he lived in the property adjacent to 7 Meadow Close. The applicant did not consult the local residents until Councillor Brown had requested it on their behalf. He explained that the plans submitted by the agent were incorrect. This height would be higher than the previously refused application. He requested that the Committee agree to defer the application to ensure accurate plans could be considered. It was stated that a reduction in the roof pitch by 30% would improve the application considerably.
- 4) In response to Councillor Yates Mr Reeves explained that the design was not in keeping with the street scene and if the pitched roof was reduced by 30% then this would reduce the overall bulk.
- 5) Mr Carter spoke in support to the application in his capacity as the agent. He stated that the applicant wanted to extend their house as more space was needed to move their mother in. The proposed scheme was significantly reduced compared to the previously refused application and it would be in keeping with the street scene. The Planning Officers had deemed that the application was acceptable and there would not have a negative impact on the neighbouring properties. He explained that the plans submitted were accurate and suggested that if Members had concerns then they could agree a condition to restrict the height.

**Questions for Officers**

- 6) In response to Councillor Morris it was explained that the pitched roof significantly reduced the bulk compared to the flat roof proposed in the previously refused application. It was also explained that Councillors could agree a condition to restrict the height to what had been applied for if it was felt necessary.
- 7) In response to Councillor Inkpin-Leissner the Principal Planning Officer explained that the height, mass and bulk were assessed when the application was submitted.

**Debate and Decision Making Process**

- 8) Councillor Hyde stated that the design was much improved since the previously refused application; it would not overlook the neighbouring properties and would fit well within the street scene.
- 9) Councillor Bennett noted that the design would be in keeping with the street scene and would not if the pitched roof was reduced.
- 10) Councillor Hill explained that she was surprised that 33 objections had been received regarding the overlooking and overshadowing of the proposed scheme. She added that she would be supporting the Officer's recommendation.
- 11) Councillor Morris noted that the applicant had reduced the bulk of the proposal since the previous application and would be supporting the Officer's recommendation.

- 12) Councillor Inkpin-Leissner thanked the Officers for working alongside the applicant and noted that he would be supporting the Officer's recommendation.
- 13) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.
- 44.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report and the additional condition set out below:

Additional Condition 5:

No development shall commence until full details (referenced as Ordnance Datum by means of spot heights) of the ridge heights of the existing properties at Nos 6, 7 and 8 Meadow Close and the proposed finished floor levels and ridge height of the development hereby approved at No 7 Meadow Close, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

**H BH2017/00284 - Wayland Paddock, 41 Wayland Avenue, Brighton - Householder Planning Consent**

Re-modelling and extensions to dwelling including associated works.

- 44.8 **RESOLVED** – That the Committee agreed to defer the application and attend a site visit.

**I BH2017/01818 - 1 Denmark Road, Portslade - Full Planning**

Erection of a 2 storey dwelling with room-in-roof (C3) adjoining existing dwelling house with off street parking.

**Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. He explained that the proposed dwelling was set back to be in keeping with the street scene and would provide undercroft parking. The previously refused applications were over developed and not in keeping with the street scene; however, the proposed application would not cause overlooking or a loss of privacy to the neighbouring properties.
- 2) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.

- 44.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillor Hamilton was not present for the consideration and vote on the application.

- J BH2017/00128 - 17 Barnfield Gardens, Brighton - Householder Planning Consent**  
Erection of part single part two storey rear extension with associated alterations.

- 44.10 **RESOLVED** – That the Committee agreed to defer the application and attend a site visit.

- K BH2017/00636 - Sussex Heights, 14 St Margarets Place, Brighton - Full Planning**  
Installation of render to all elevations, and associated works.

### **Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and a sample material. It was explained that the current small tiles were covered with a membrane and there was existing damage to these. The applicant had completed a comprehensive survey to determine the urgency of the repair work and it was explained that a further waterproof membrane could not be guaranteed by the manufacture for a year. The proposed material had been applied on buildings in a marine environment and it was considered a durable product that was appropriate to cover the existing tiles. The Principal Planning Officer explained that the product had been used on the Van Alen Building in June 2016. It was noted that both the Heritage team and CAG were satisfied with the application and that it would not harm the appearance.
- 2) It was stated to the Committee that the Officers were proposing the removal of condition 4 regarding the maintenance scheme. It was explained that it was not possible to predict how often the building would need to be maintained and it was possible that specialist paint could be applied on the render if the building became discoloured.

### **Questions for Officers**

- 3) In response to Councillor Morris the Principal Planning Officer explained that currently some of the windows were PVC and others were not. As part of the scheme all of the window sills would be plastic and the fire risk of these would be assessed through Building Regulations.
- 4) In response to Councillor Miller it was explained that the Officers were recommending the removal of condition 4 as it was unknown how long it would be until the building discoloured and, therefore, it would be unreasonable to condition a maintenance plan. The Senior Solicitor added that conditions needed to be precise and reasonable. If the appearance of the building became an issue then the Council could serve an amenity notice.

- 5) In response to Councillor Hyde it was explained that the building was built in the 1960s and the tiles applied began to break and they were not replaced. A membrane was applied on top of these.
- 6) In response to Councillor Yates it was noted that areas would need to be repaired and replaced before the render was applied. The work would be costing approximately £1,000,000 and was not a cheap option; however, all the options had been explored and this would be the most appropriate.
- 7) Councillor Mac Cafferty noted that there should be a proposed maintenance plan which would be complied with by the applicant regardless of whether the cleaning was needed as it was a prominent building within the city. The Officer responded and explained that it was difficult to propose a condition as it could not be predicted when the building would weather and need repainted.
- 8) In response to Councillor C. Theobald it was stated that the previously refused application was for an insulation render. It was also noted that the details of the 16 letters of support were published online.
- 9) In response to Councillor Hyde the Planning Manager clarified that condition 5 covered the protection of peregrines when the proposed scheme was being completed and during maintenance work in the future.
- 10) In response to Councillor Miller the Principal Planning Officer noted that the render had been used on similar buildings in the UK, including; Camber Sands, Torquay and Bognor Regis. It was clarified that due to the location of the building the material would discolour; however, it was not possible to predict when this would happen.
- 11) In response to the Chair the Planning Manager clarified that the location of residents submitting letters of support and objection were no longer published in the agenda; however, the information was available online. This had been agreed at the Planning Members Working Group but this could be discussed again if Members felt it was necessary.

### **Debate and Decision Making Process**

- 12) Councillor Inkpin-Leissner noted that the Van Alen building was exposed to the sea; therefore, the material must be resilient. He noted that he would be supporting the Officer's recommendation.
- 13) Councillor Yates agreed with Councillor Inkpin-Leissner and added that Members needed to be mindful that the repair work needed to be completed and it was an appropriate solution. He explained that it would enhance the street scene and would; therefore, be supporting the Officer's recommendation.
- 14) Councillor Morris noted concerns for the material potentially being flammable; however, he would be supporting the Officer's recommendation.

- 15) Councillor Miller noted that the same render on Bognor Regis hotel had become discoloured and was not aesthetically pleasing. He noted that he would welcome an application for a smooth render as it would be easier to maintain.
  - 16) The Chair put the proposal of the removal of condition 4 to the Committee and this was **refused** unanimously.
  - 17) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** by 7 votes in support, 1 refusal and 3 abstentions.
- 44.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

**L BH2017/00042 - 2 & 2A Stafford Road, Brighton - Full Planning**

Demolition of garages and erection of 1no one bedroom dwelling, alterations to existing flats including alterations to fenestration, installation of front rooflights and rear dormers and associated works.

**Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that the site was currently a garage building adjoining a terrace building that was converted into two flats. The proposal was to demolish the garage and construct a three storey, one bedroom dwelling.
- 2) It was explained that the bedroom would be on the first floor and the living accommodation would be situated on the third floor. The standard of accommodation was deemed acceptable and there would be no direct impact on the neighbouring properties.
- 3) The design of the proposed dwelling was modern with zinc material and it was felt the area could accommodate a different design. There was a proposed turret on the third storey and the Officer's deemed that this was acceptable and in keeping with the neighbouring properties.

**Public Speaker(s) and Questions**

- 4) Mr Major spoke in objection to the application in his capacity as a local resident. He stated that it was not a conservation area; however, the site was in the centre of Prestonville neighbourhood and used to be a garden. Proposed development for the area needed to be of a sensitive design and be in keeping with the neighbouring properties. It was a corner plot that faced both Stafford Road and Buxton Road and would overlook the neighbouring properties. The windows on the ground and first floor level were full length and would not relate to the properties in the area, which had been stated by the agent. It was also noted that the turret was not in keeping with the area as they style was different to the neighbouring properties. Comments had been raised by local residents that the turret would appear as a watch tower and affect Prestonville.



- 5) Councillor Allen spoke in objection to the application in his capacity as a Local Councillor. He stated that the report recognised that the turret would be “highly prominent”; however, it would appear like a watch tower and dominant the area. The property would be the first thing one would see when approaching the area from Old Shoreham Road and it needed to be sensitively designed. The dormers at the rear of the elevation would overlook the properties on Buxton Road.

### **Debate and Decision Making Process**

- 6) Councillor Yates and Councillor C. Theobald both stated that they liked the design and it was an improvement on the current garage and junction. They noted that they would be supporting the Officer’s recommendation.
- 7) Councillor Inkpin-Leissner agreed with Councillor Yates and noted that letters of support had been received and one of these had stated that the garages were not in keeping with the area. He noted that the design was in keeping with the street scene with a modern design.
- 8) Councillor Hyde agreed with the Members and explained that it was a compromise between a modern design and reflecting the neighbouring properties to ensure it was in keeping with the street scene.
- 9) Councillor Miller noted that additional housing was needed for the city and that he would be supporting the Officer’s recommendation.
- 10) Councillor Littman explained that developing the site for housing would be positive; however, he did not like the design for the area. He noted that he would not be supporting the Officer’s recommendation.
- 11) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** by 11 votes in support and 1 refusal.

- 44.12 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

### **M BH2016/05598 - Land rear of 43 Brunswick Place, Hove - Full Planning And Demolition In CA**

Demolition of 2no existing garages and erection of 1no two bedroom dwelling (C3).

### **Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was noted that the proposal for a similar dwelling on the adjoining site to the north had been refused and dismissed on appeal as it was impacting on the neighbouring property.

**Questions for Officers**

- 2) In response to Councillor C. Theobald it was explained that the house at the rear of the proposed dwelling was divided into six individual flats. The dwelling would impact on the light of the garden; however, the light would not be restricted into the units of 43 Brunswick Place.
- 3) In response to Councillor Hyde the Principal Planning Officer noted that the previously refused application on the adjoining site to the north was 5.4 metres distance from the rear of 43 Brunswick Place; however, the current application proposed the dwelling to be 8.6 metres from the rear.
- 4) The Principal Planning Officer clarified to Councillor Mac Cafferty that the proposal was designed to meet the guidance regarding sunlight and daylight restriction. It was not felt necessary to request a daylight assessment from the applicant.
- 5) In response to Councillor Mac Cafferty the Development and Transport Assessment Manager explained that contributions towards drop curbs and additional improvements to the road would be required.
- 6) In response to Councillor Hill it was explained that the application was being discussed at the Planning Committee as it had received six objections from residents within the local vicinity.

**Debate and Decision Making Process**

- 7) Councillor Inkpin-Leissner stated that he would be supporting the Officer's recommendation as it was in keeping with the neighbouring properties.
  - 8) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.
- 44.13 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

- N BH2017/01742 - 30 Roedean Crescent, Brighton - Householder Planning Consent**  
Erection of a single storey rear extension, first floor rear extension & creation of lower ground floor room under existing rear terrace. Roof alterations to include raising ridge height to create additional floor, rear balconies, revised fenestration & associated works. Alterations include new landscaping, widening of existing hardstanding and opening with new front gates.

**Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was highlighted that the site had an extensive planning history and noted that an appeal was allowed on a refused application in 2011. This design was very similar to the current application.

**Questions for Officers**

- 2) In response to Councillor Morris it was noted that the timber cladding was feature cladding to the rear of the property.
- 3) In response to Councillor Hill it was explained that the permission granted on appeal in 2011 was not implemented and had therefore expired.

**Debate and Decision Making Process**

- 4) The Chair put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.
- 44.14 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

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

- 45.1 There were no further requests for site visits in relation to matters listed on the agenda.

**46 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

- 46.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

**47 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

- 47.1 This information was not provided in the agenda.

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

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

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

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

**50 APPEAL DECISIONS**

- 50.1 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 8.45pm

Signed

Chair

Dated this      day of

<b>Subject:</b>	British Airways i360, Land at and adjacent to West Pier and 62-73 Kings Road Arches Kings Road Brighton		
	Request to vary the Heads of Terms of Section 106 Agreement in connection with planning permission BH2016/00826 (an amendment to original permission BH2006/02369)		
<b>Date of Meeting:</b>	8 <sup>th</sup> November 2017		
<b>Report of:</b>	Head of Planning		
<b>Contact Officer:</b>	Name: Maria Seale	Tel: 292175	
	E-mail: <a href="mailto:maria.seale@brighton-hove.gov.uk">maria.seale@brighton-hove.gov.uk</a>		
<b>Wards Affected:</b>	Regency		

## 1. PURPOSE OF THE REPORT

- 1.1 To consider a request to vary the Heads of Terms of the Section 106 Agreement dated 16<sup>th</sup> October 2006 in connection with planning permission BH2016/00826 (which is an amendment to the original i360 permission BH2006/02369), to allow the re-allocation of the financial contribution of £48,049.80 from vehicular signage towards pedestrian signage.

## 2. RECOMMENDATION

- 2.1 That the S106 Head of Terms with regard to Sustainable Transport be varied as follows:
- a) To allow the unspent Vehicular Signage Contribution of £48,049.80 to be reallocated and added to the Pedestrian Signage contribution of £5,000, to provide a total of £53,049.80 to be spent towards pedestrian signage.

## 3. BACKGROUND INFORMATION

- 3.1 The British Airways i360 [BA i360] visitor attraction has been built and has been operating since August last year.
- 3.2 Members were minded to grant full planning permission at Planning Committee on 11/10/06 for the development subject to completion of a S106 agreement. The S106 was signed on 16/10/06 and included the following obligations, in addition to other transport measures:
- £50,000 towards vehicular signage directing motorists to appropriate routes to the site
  - £5,000 toward pedestrian signage to identify the location of the site

- 3.3 Such contributions were sought to mitigate transport impacts of the development and promote sustainable modes of transport, to comply with planning policy.
- 3.4 Although permission was granted and the S106 signed back in 2006, it was not until 2014 that the main development commenced. In the intervening period the signage requirements have changed as follows:
- (i) The full extent and amount of driver signing required was not finalised when the permission was granted and therefore only an appropriate, estimated, sum was proposed.
  - (ii) The changes to driver signing were expected to be needed over a much wider area than has proved to be the case and it was anticipated to involve a greater number of signs and their replacement rather than amendment. There have been restrictions imposed by the Department for Transport and Highways England with regard to signage on trunk roads.
  - (iii) The council has adopted a more stringent approach to signs and lines generally, in order to reduce unnecessary street clutter.
  - (iv) The council's wayfinding/pedestrian signs in the city are now very different to those in place in 2006. There are more of them and they are of better quality. The cost of amending these signs is therefore greater than originally envisaged in 2006. The £5k contribution was originally only expected to be very focused in the central area/Western Road corridor.
- 3.5.1 The vehicular signage sum needed has therefore been much less, with the expenditure as a result being only £1,950.20. To date none of the £5,000 towards pedestrian signage has been expended by the council.

#### **4. PROPOSAL**

- 4.1 The developer has written to the Council to suggest that, given the change in circumstances since permission was first given, it would be sensible if the entirety of the unspent Vehicle Signage Contribution of £48,049.80 could be applied instead to pedestrian signage in the city, together with the Pedestrian Signage Contribution of £5,000. The developer is not seeking to vary or reduce the overall amount to be spent; they just wish to re-allocate it and therefore it is this specific proposal that requires the committee's consideration.

#### **5. COMMENT**

- 5.1 It is clearly some considerable time since planning permission was originally granted subject to the S106. In terms of the planning context, the attraction has now been operating for over a year, and the council has adopted Part One of the Brighton & Hove City Plan. It has also published the Developer Contributions Technical Guidance, and the National Planning Policy Framework was published in 2012, and these are material planning considerations.

- 5.2 The emphasis of current local and national transport planning policy has not significantly changed, and still seeks the enhancement and promotion of sustainable modes of transport and reduced reliance on car travel. Therefore reallocation of the Vehicular Signage Contribution towards pedestrian signage would accord with this policy in principle.
- 5.3 As can be seen above, circumstances have significantly changed with regard to signage requirements and formats and it is considered reasonable to re-consider this aspect of the S106. The Highway Authority has been consulted and raises no objection to the developer's proposal. It welcomes the proposed variation to the S106 agreement so that the unspent contribution for vehicle signage can be spent on pedestrian wayfinding signs. The additional expenditure will enable pedestrian wayfinding signs in the city to be updated, in line with the requirements of the original permission, and will enhance pedestrian wayfinding to the BA i360 attraction. The alternative to agreeing the re-allocation would either be to return the unspent sum to the developer or increase vehicular signage on roads that do not require it.
- 5.4 In the context of the above, the developer's request to vary the S106 is considered reasonable, necessary and acceptable. The variation will still ensure the transport impacts of the development are acceptable and that sustainable forms of transport are enhanced and promoted, in accordance with policy.

Background Documents:

Planning applications BH2006/02369 and BH2016/00826, including associated Section 106 legal agreement.





# **ITEM A**

**Site Of Sackville Hotel, Kingsway, Hove**

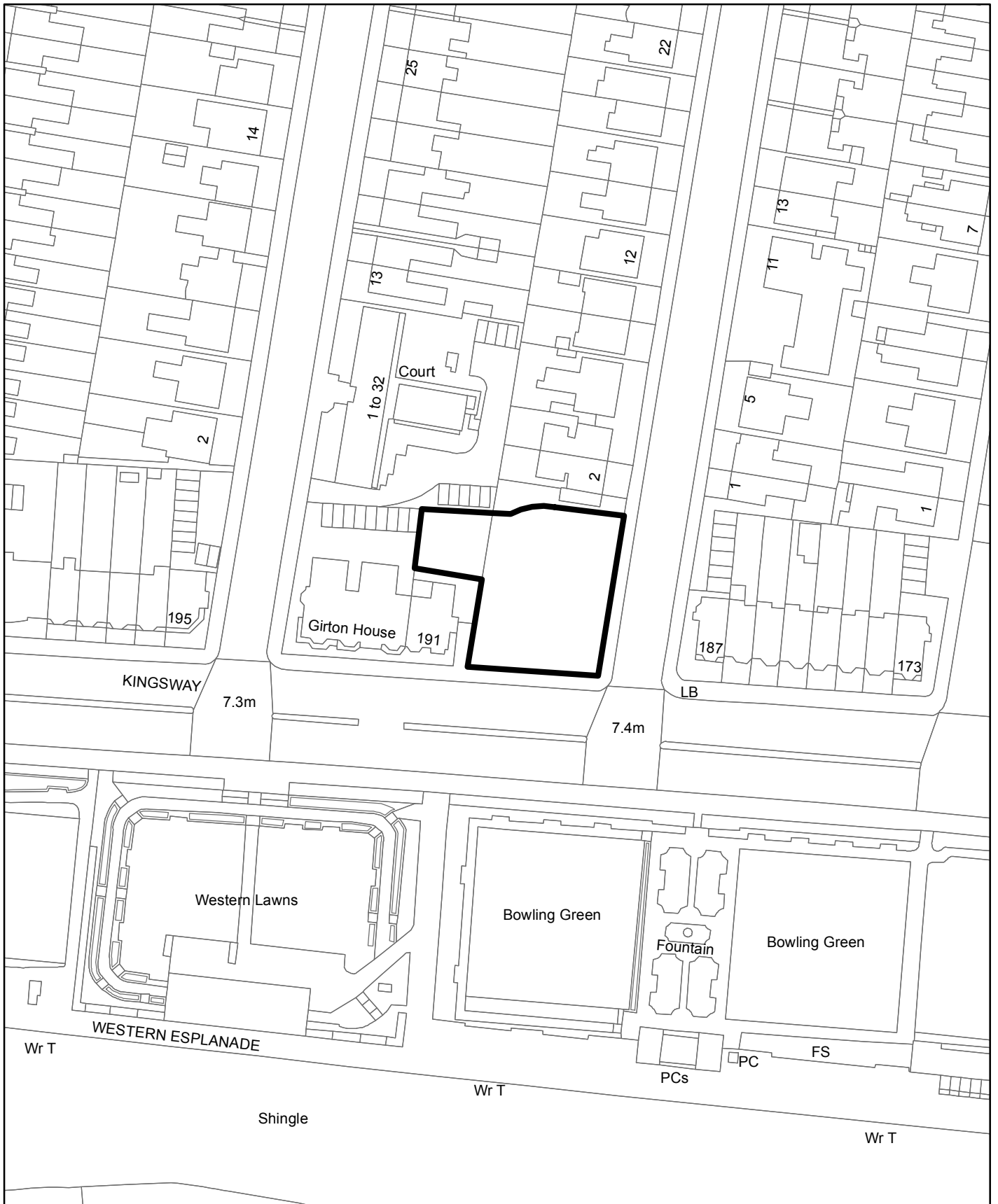
**BH2017/01108**

**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2017/01108 Site Of Sackville Hotel, 189 Kingsway, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/01108</b>	<b><u>Ward:</u></b>	<b>Westbourne Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Site Of Sackville Hotel 189 Kingsway Hove BN3 4GU</b>		
<b><u>Proposal:</u></b>	<b>Erection of 5 to 8 storey building to provide 60no residential dwellings (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville gardens, 21no basement car parking spaces, 6no ground floor car parking spaces, cycle parking, plant and associated works.</b>		
<b><u>Officer:</u></b>	<b>Gareth Giles, tel: 293334</b>	<b><u>Valid Date:</u></b>	<b>31.03.2017</b>
<b><u>Con Area:</u></b>	<b>Sackville Gardens</b>	<b><u>Expiry Date:</u></b>	<b>30.06.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	<b>20.09.2017</b>
<b><u>Agent:</u></b>	<b>Iceni Projects Limited</b>	<b>Jayne McArthur</b>	<b>Flitcroft House 114-116 Charing Cross Road London WC2H 0JR</b>
<b><u>Applicant:</u></b>	<b>Hyde Vale Limited</b>	<b>C/o Iceni Projects</b>	<b>Flitcroft House 114-116 Charing Cross Road London WC2H 0JR</b>

## **SUMMARY/UPDATE**

This application was deferred by Planning Committee on the 13 September 2017 in order to secure further advice from the District Valuer Service (DVS) about the viability evidence presented by the applicant to support an affordable housing provision below policy requirement. Following this deferral, officers have returned to the DVS to seek their advice which is set out below.

The DVS considered the evolved evidence subsequent to their initial advice in August 2017 and reached an agreed position with third party viability consultant (BNP Paribas) also working on behalf of the Council; the joint viability report has been published on the Council's Planning Register. The DVS report includes four possible combinations of affordable housing tenures. Based on the objectives of the Council's Affordable Housing Brief, it is recommended that the site can yield 10 affordable homes (16% of the site total) in the form of 5 affordable rent units and 5 shared ownership units.

### **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:

#### **1.2 S106 Heads of Terms**

- Affordable housing – (10 units: 5 x affordable rent and 5 x shared ownership).
- The S106 will include a Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution.
- Education Contribution - £60,192 towards the cost of primary, secondary and sixth form provision most likely to be spent at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior school Holland Road, Brunswick Primary School or West Hove Infant School Connaught Road.
- Recreation / open space contributions - £129,908 towards provision in the local area including potential new projects on Western Lawns, locations to be confirmed.
- Local Employment Scheme contribution - £18,200 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase,
- Sustainable Transport Contribution - £63,900 towards bus stop improvements such as accessible kerbs, real time information boards and shelters at various nearby locations, pedestrian and cycle network improvements between the site and nearby attractions and a new car club bay.
- Travel Plan including Travel Information Packs and two years' car club membership per household.
- Public Realm improvement with an artistic component, to be provided on site to a minimum value of £19,250 and with agreement from the Council prior to commencement of development. Some proposals could be approved through the discharge of planning conditions relating to this application (such as artistic components incorporated within boundary treatments) but more substantial proposals including wall-mounted artwork may require planning permission in its own right.

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
Block Plan	13.099.002		30 March 2017
Floor Plans Proposed	13.099.100 BASEMENT		30 March 2017
Floor Plans Proposed	13.099.101 GF		30 March 2017
Floor Plans Proposed	13.099.105 4TH		30 March 2017
Floor Plans Proposed	13.099.106 5TH		30 March 2017
Floor Plans Proposed	13.099.107 6TH		30 March 2017
Floor Plans Proposed	13.099.109 ROOF		30 March 2017
Elevations Proposed	13.099.113		30 March 2017

	WEST		
Sections Proposed	13.099.114		30 March 2017
Floor Plans Proposed	13.099.102 1ST	A	19 July 2017
Floor Plans Proposed	13.099.103 2ND	A	19 July 2017
Floor Plans Proposed	13.099.104 3RD	A	19 July 2017
Elevations Proposed	13.099.110 SOUTH	A	19 July 2017
Elevations Proposed	13.099.111 EAST	B	27 September 2017
Elevations Proposed	13.099.112 NORTH	B	27 September 2017
Floor Plans Proposed	13.099.108 7TH	A	17 August 2017

- 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 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 commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained.
- iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme).
- iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site.
- v) Details of hours of construction including all associated vehicular movements.
- vi) Details of the construction compound.
- vii) A plan showing construction traffic routes.
- viii) An audit of all waste generated during construction works.

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 QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 4 Part (i) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the

local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then

Part (ii) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 5 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples / details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including;
- a) Samples of all brick, pavers and cladding,
  - b) Details of all window reveals and cills, doors, canopy and balcony treatments (including tinted/obscured balcony glazing), pipework / rainwater goods, gates, walls and railings.

Development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies HE6 and HE11 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 6 Notwithstanding the approved drawings, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of privacy screens for the west-facing balconies on the 4th floor and 7th floor as well as those balconies on the western-most side of the southern elevation, shall be submitted to and approved in writing by the local planning authority. The privacy screens shall then be constructed in accordance with the approved details prior to first use of the balconies and shall be retained as such thereafter.

**Reason:** In order to protect the amenities of neighbouring properties and in accordance with policies QD27 of the Brighton & Hove Local Plan.

- 7 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing to include type, position, design, dimensions and materials - including durability and maintenance,
- b) Details of all boundary treatments to include type, position, design, dimensions and materials - including durability and maintenance,
- c) Details of external lighting, including durability and maintenance - it should be demonstrated that the lighting scheme is compliant with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance



Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details;

- d) Details of all proposed planting, including numbers and species of plant, details of size and planting method of any trees, cultivation details and maintenance programme. Species should be included that mitigate pollution in the gas and particulate phases and wherever possible native species of local provenance should be provided. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation.

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

- 8 Part i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Part ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (i) to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

**Reason:** This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

- 9 No development above ground floor slab level of any part of the development hereby permitted shall take place until a written scheme has been submitted for approval to the local planning authority on how and where ventilation will be provided to the various flats including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality.

**Reason:** To provide the occupants with sufficient air ventilation without the need to open windows thereby protecting them from noise nuisance in accordance with Policy SU10 of the Brighton & Hove Local Plan.

- 10 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Flood Risk Assessment and Drainage Strategy, March 2017 submitted in support of this application has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.  
**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 policy SU3 of the Brighton & Hove Local Plan.
- 11 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.  
**Reason:** This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 12 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 13 The development hereby approved shall not be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 14 The development hereby approved shall not be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 15 A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b)

(wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 16 Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 17 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 TR14 of the Brighton & Hove Local Plan.

- 18 Prior to first occupation of the development hereby permitted, notwithstanding the approved plans which include some details of car parking layout, final details of the car park layout to include sufficient disabled car parking and motorcycle parking provision 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 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 residents and visitors to the site and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

- 19 The narrowed crossover and access shall be constructed and redundant section is reinstated to footway prior to the first occupation of the development hereby permitted.

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

- 20 Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To encourage travel by more sustainable means and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

- 21 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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

- 22 Prior to occupation of the development hereby approved the glazing requirements as per tables 6.3 and 6.4 of the 7th Wave Acoustics report dated 13th March 2017 shall be implemented and retained unless otherwise agreed in writing by the local planning authority.

**Reason:** To protect the occupants of the development from noise nuisance in accordance with Policy SU10 of the Brighton & Hove Local Plan.

- 23 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 HE10 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 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. A condition requiring details to be approved of car parking layout is necessary despite details being included in the application. This is because although the layout of the basement disabled parking is in accordance with Traffic Advisory Leaflet 5/95 Parking for Disabled People which requires a 1.2m access zone on both sides of each bay, the proposed bay at ground level is not and, as noted in the Highways Authority consultation response, access constraints mean that it is considered that this would be better located at basement level to ensure users are able to conveniently access the building entrance.

- 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 to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
- 4 The applicant is advised that the scheme required to be submitted by the relevant condition relating to car-free development should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, and occupiers that the development is car-free.
- 5 To discharge the sustainable drainage condition, the Local Flood Authority would expect to see
  - An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.
  - Appropriate calculations to demonstrate that the proposed sustainable drainage will be able to cope with both winter and summer storms for a full range of events and storm durations.
  - The applicant should demonstrate that the sustainable drainage system will be able to cope with a 1 in 100- year plus climate change event.
- 6 The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the relevant condition.
- 7 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site covers an area of 0.14 hectares and comprises vacant, brownfield land which was previously occupied by the Sackville Hotel on Hove seafront. It is surrounded by close-boarded fencing within the mainly residential area of Sackville Gardens Conservation Area, on the western corner of Kingsway and Sackville Gardens. There are no listed buildings within this conservation area.

- 2.2 Adjoined to the west of the site is the newly completed block of 9 flats at 191 Kingsway (5 storeys) with Girton House beyond that. To the northwest of the site is the 1970's four storey Clarke Court block of flats that fronts onto Walsingham Road. Clarke Court contains some windows facing south onto the rear of Girton House and some facing due east towards 2 Sackville Gardens. To the north of the site is a two storey house at 2 Sackville Gardens; there are no windows from that property facing directly onto the site. To the east at the opposite corner of Sackville Gardens is the "San Remo" building at 173-187 Kingsway (6 storeys). South of the site across the Kingsway is the Western Esplanade Hove Lawns including formal bowling greens and various low-rise seafront structures.
- 2.3 Planning permission is sought for the erection of a new residential block of 60 flats, 27 car parking spaces, 80 cycle parking spaces and associated works. The proposed materials are gault brick (yellow/cream), bronze detailing to the balconies and screens and dark grey metal for window frames and penthouse level. The proposal rises to 8 storeys at its main, southern elevation fronting Kingsway and steps down to 5 storeys on the return, east elevation facing Sackville Gardens.
- 2.4 The 60 flats comprise:
- 40 x one bed flats (including 12 x one person studio flats);
  - 19 x two bed flats;
  - 1 x three bed flat.
- 2.5 The application submission indicated that individual units were designed tenure-blind to accommodate private market housing or affordable housing as required, however a confidential viability assessment was submitted with the application indicating no affordable housing was viable (see Affordable Housing section below for further information).
- 2.6 Minor amendments were received during the course of the application to some of the concerns raised by the Heritage Officer and other adjustments: frosted windows were added to the northern elevation instead of the bronze panels, and the colour of the basement vents were amended to match the surrounding brickwork.

### 3. RELEVANT HISTORY

**BH2015/04414** Construction of a 4 to 17 storey building (plus basement) to provide 98 residential dwellings with a mix of one, two and three bedroom units with balconies and terraces, new pedestrian and vehicle access from Sackville Gardens, basement car parking, cycle parking and associated works including new plant, substation and landscaping. Withdrawn (10/03/16)

**BH2015/00471** Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate 5no storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, incorporating underground parking accessed from Sackville Gardens. Approved (15/04/15)

**BH2012/00982** Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, with all underground parking accessed from Sackville Gardens. Refused (19/06/12). Allowed at appeal (10/10/12).

**BH2012/00097** Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, with all underground parking accessed from Sackville Gardens. Refused (09/03/12)

**BH2011/01146** Erection of 5no five bedroom terraced houses (5 storeys plus basement) and 1no three bedroom detached house (four storeys plus basement) with underground parking accessed from Sackville Gardens. Refused (01/08/11)

**BH2006/02153** Demolition of Hotel (Retrospective). Approved (26/11/12)

Neighbouring site at 191 Kingsway

**BH2011/03956** Demolition of existing building and construction of nine residential flats - Allowed at appeal 10 October 2012.

Pre-Application Advice

Officer pre-application advice was given on an earlier version of the proposed scheme in January 2017. The principle of a residential scheme in this location was considered acceptable subject to:

- Conservation area is key constraint.
- No higher than 8 storeys, 2 penthouse storeys on 6 normal storeys preferred to reduce bulk.
- Transitional stepping-down of height on Sackville Gardens elevation is a suitable approach.
- Proposed building line is accepted.
- 40% affordable housing should be provided on-site.

Members Pre-Application Briefing

The applicant presented a pre-application scheme to Councillors on 7 February 2017. Members present were generally supportive of the height, scale, bulk and vertical rhythm of the proposed building both to the seafront and the transition to the lower buildings in Sackville Gardens. Design elements including the entrance onto Kingsway and external materials were supported. Concerns were raised about the blank west-facing flank wall.

#### **4. REPRESENTATIONS**

4.1 **Seventy six (76)** letters have been received from residents within the vicinity of the site objecting to the proposed development on the following grounds (with highest number of objections first):

- The building's height is too tall, that it should be at least 2 storeys lower with reference to the Tall Buildings Guidance.
- Car parking including on-site parking provision being insufficient for the number of residential units and requesting that future residents should be prevented from applying for parking permits to limit increases in on-street parking pressure and traffic congestion specifically.
- Standard of accommodation; the size of the units being too small and having too few bedrooms, suggesting that too many studio or one-bedroom units failed to meet local needs which is mainly for two-bedroom and family sized accommodation.
- Overdevelopment / density, criticism of the number of units, the massing and the coverage by area.
- Affordable housing criticising the lack of affordable housing provision in the application submission.
- Design and appearance, criticism of the design aesthetic of the proposed building including comments that it is too modern in this context and out of scale with the street scene and nearby rooflines.
- Loss of privacy relating to overlooking of dwellings to the north and west of the site from proposed balconies on the rear and sides of the building.
- Loss of Light to nearby dwellings.
- Heritage concerns about impacts on the surrounding Sackville Gardens Conservation Area.
- Noise pollution, air pollution,
- Pressure on infrastructure and services,
- Need for biodiversity improvements such as bird boxes,
- Loss of sea views.

4.2 **Five (5)** letters were received from residents within the vicinity of the site offering general comment with some elements of support for the proposed development, summarised as follows:

- Design and appearance, particularly compared to previous schemes on the site.
- Provision of cycle parking.
- Height of the development.
- Car free designation (beyond the on-site car parking provision).

4.3 **Councillor Tom Bewick** has commented on the application, a copy of the letter is attached to the report.

## 5. CONSULTATIONS

5.1 **County Archaeology:** No objection

A programme of archaeological works should be secured by condition. The written scheme of investigation will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (April 2015).

5.2 **Conservation Advisory Group:** No objection



CAG recommends approval.

**5.3 County Ecologist: No objection**

The proposed development will result in the loss of all vegetation from the site; this loss should be compensated through the provision of a sensitive landscaping scheme which uses native species of known value to wildlife, biodiverse green roofs and green walls. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities (NERC) Act 2006 and NPPF. Opportunities include the provision of a sustainable urban drainage scheme, the provision of house sparrow boxes on the new buildings, and the use of species of known wildlife value within the landscape scheme.

5.4 To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). There is an active fox den on the northern boundary. Measures should be taken to ensure foxes are excluded from the den prior to its destruction and that this should avoid the period when young are fully dependent.

**5.5 West Hove Forum: Comment**

Priority to make the Western Lawns more family friendly recognising a diversity of needs; an inclusive play area, accessible for younger children and those with disabilities; a grass sports games area is another possibility; and also including exercise for older people. We recognise that specific uses of such S106 contributions must require careful consideration taking account of growing needs, protecting an important community space and avoiding crowding out established community uses noted above; what we are looking for is an explicit recognition of the priority for local use focused on the Western Lawns.

**5.6 Hove Civic Society: No objection**

Support subject to appropriate car parking and protection of privacy. Design elements including reduction in scale along Sackville Gardens and position of vehicle entrance are positive.

**5.7 Sussex Police: No objection**

General support; advice to the applicant to incorporate principles of Secured by Design to ensure a safe and secure environment for residents and visitors.

**5.8 Southern Water: No objection**

Consents will be necessary for excavations in proximity to a water main crossing the site.

**5.9 Policy Officer: No objection**

Principle of residential development is accepted.

5.10 All flats appear to meet the Government's Technical housing standards: nationally described space standard published in March 2015. Policy HO13 in the 2005 Local Plan provides the policy base for requiring the higher optional access standards set out in Building Regulations Part M(4)(2) for accessible and

adaptable and Part M(4)(2) for fully wheelchair accessible. All dwellings should meet Part M(4)(2) and 10% of the affordable housing should meet the higher Part M(4)(3) fully wheelchair accessible standard. However the Planning Statement indicates that only 3 units or 5% of the total units will meet Part M4(3)(2b) standards.

- 5.11 With respect to Policy CP19 Housing Mix, the latest objective assessment of housing need indicates that the most demand for market housing is for 2 and 3 bedroom properties (35% each). The proposed housing mix for this scheme is 68% 1-bedroom and, 30% 2-bedroom and 2% 3-bedroom units. Studio flats offer limited flexibility to changing household circumstances. On this basis, the proposed mix for this scheme could be improved upon by a better balance of two and three bedroom properties in the overall mix.
- 5.12 **Heritage Officer: Objection**  
The submission follows pre-application advice based on a slightly different scheme. Positive feedback was given at pre-application stage when the seventh storey was presented as a lower penthouse level, thereby reducing the apparent difference in scale with the adjacent buildings.
- 5.13 It is accepted that due to existing building heights that have developed along the Hove seafront in more recent times the Kingsway frontage is able to accommodate a new building of a larger scale than would normally be acceptable in this conservation area. Further, it is considered that some variation in building heights to punctuate the wider sea facing frontage of Hove can enhance the townscape, and there is therefore some scope for a slightly taller building on this site, subject to an acceptable impact on immediate surroundings. However, it is considered that due to its low scale character, Sackville Gardens would not be preserved or enhanced in the same way and even the 5 storey element will dwarf the 2 storey houses to the North.
- 5.14 It is therefore considered that to reduce the impact of the significant height difference between the proposal and the flanking seafront terraces, particularly San Remo to the East, the scheme should revert to 6 main storeys with 2 penthouse levels as proposed at the pre-application discussions, and the balcony slab/screen structure should accordingly be lowered by 1 floor. Additionally the Western elevation of the southern penthouse levels should be set in from the main façade to better respect the scale of the terrace to the West, and likewise the northern elevation of the penthouse fronting Sackville Gardens should also be drawn back from the main northern façade. This development will be very prominent in views from the north in Sackville Gardens where the greatest impact on the Conservation Area will be experienced and it is considered that the scale of the proposal and contrasting roofline will harm the character of Sackville Gardens. It is considered that this would be less than substantial harm. Whilst the existing vacant plot is harmful, it is considered that developing the site will only enhance the conservation area with the use of good contextual design.
- 5.15 The use of brick and zinc as proposed is considered acceptable in principle, along with etched glass balcony balustrades. The use of bronze does not draw

on the existing palette of materials in the immediate surroundings and there are reservations about this, particularly on the large return surfaces of the vertical screens, which in oblique views will be dominant in the street scene.

**5.16 Education Authority: No objection**

Primary School provision would be likely to be from West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior school Holland Road, Brunswick Primary School or West Hove Infant School Connaught Road as they are the closest primary's to the development. These school currently offer a total of 3,000 places and there are currently 2,885 pupils on roll at these schools. This offers a surplus of just 4% (the majority of which is in the junior year groups) which is required to allow for parental preferences and in year admissions. With regard to the secondary provision the development is currently in the catchment area for Blatchington Mill and Hove Park Schools. Given the limited capacity of all of these schools, a S106 contribution is entirely appropriate to seek a contribution in this respect.

**5.17 Economic Regeneration: No objection**

Support for economic benefits of new housing provision on the local area. An Employment and Training Strategy will be required and a contribution towards the delivery of the council's Local Employment Scheme.

**5.18 Sustainable Transport: No objection**

The Highway Authority has no objections to the proposed development subject to a S106 agreement and the necessary conditions.

**5.19 Car Parking:**

27 car parking spaces are proposed including four disabled bays which is within the maximum limit in SPD14. This would provide parking at a ratio of 0.45 spaces per dwelling. Car ownership for the proposed development is likely to be lower than the ward average owing to the proposed units being flats and the majority having less than three bedrooms.

5.20 Taking account of the number of units without a parking space (33), it is therefore recommended that the permit free condition be attached to any planning consent in line with SPD14 guidance.

5.21 The car park layout is acceptable subject to minor amendments to accommodate acceptable disabled and motorcycle parking, to be secured by condition.

**5.22 Cycle Parking:**

80 cycle parking spaces are proposed using a two-tier system. Although acceptable in principle, it is recommended that further details of the stacking system including the manufacturer's specifications and horizontal and vertical clearances be obtained by condition.

**5.23 Trip generation and S106 contribution:**

Additional vehicle trip generation during any one hour represents a low proportion of existing flows (approximately 1%) and would have an acceptable

impact on the surrounding highway network but access to sustainable transport measures is still necessary. S106 contributions of £63,900 should be secured and used to fund the following sustainable transport improvements:

- Accessible kerb and/or real time information and/or shelter at the westbound bus stop on Kingsway to the south east of the site (Sackville Gardens); and/or
- Accessible kerb and/or real time information at the westbound bus stop on Kingsway to the south west of the site (Walsingham Road); and/or
- Shelter and/or real time information at the eastbound bus stop on Kingsway to the east of the site (Westbourne Villas); and/or
- Pedestrian and cycle network improvements between the site and nearby attractions and services including Hove Lagoon, the seafront, New Church Road and King Alfred Leisure Centre. This will include, but not be limited to, dropped kerbs, tactile paving, footway buildouts and side road entry treatments; and
- New car club bay in the vicinity of the development site to include advertising and amending the Traffic Regulation Order, lining and signing.

**5.24 Environmental Health: No objection**

The applicant has provided an acoustic report as well as information relating to potential land contamination. The acoustic report indicates that enhanced glazing is necessary for the majority of the facades and windows. To ensure a level of protection without opening the windows, a system of ventilation is necessary. This is also reflected in the report but no one definitive type of ventilation has been determined or recommended by the applicant. This may be dealt with via a flexible condition.

5.25 There is little evidence from the information held to support a full phased contaminated land condition. However, as a former hotel, and the potential for waste fly tipped on the site, there is the potential for asbestos containing materials to be present on the site. Asbestos sampling may be achieved via a condition.

**5.26 Housing Strategy: Insufficient Information / Comment**

At the time of comment, the applicant has not confirmed the number, location, size or tenure of any affordable units in the proposals.

5.27 A policy compliant 40% as affordable housing would provide 24 homes. To meet the Affordable Housing Brief the provision should provide the 24 units as 55% Affordable Rent (13 units) and 45% shared ownership (11 units).

5.28 Brighton and Hove is a growing City with 273,000 people in 124,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. There is a very pressing need for affordable homes in the City with half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population. 1,655 households are currently in Temporary Accommodation, 1,098 of which include children and/or pregnant women, and more than 25,404 people are on the joint

housing register - 64% of whom are in demonstrable need - Bands A to C. [Source: Housing Statistical Bulletin October to December 2016].

- 5.29 Up to date assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes. There is only one 3 bed property at this development. 66% of all the proposed units are 1 beds but a mix which includes 2 beds would be preferred. The wheelchair accessible properties would be preferred as Affordable Rent and all appear to be 2 beds. Smaller Affordable Rent units can be used for people to downsize when they are under-occupying, potentially freeing up larger family homes elsewhere in the city.
- 5.30 The Affordable Housing Brief includes the requirement for a review mechanism to reassess the viability of schemes near completion, where any reduction from policy (i.e. less than a 40% provision) can be reassessed and any increase in the viability position is reflected in an uplift of the contribution, to be paid as a commuted sum. This should be included in the S106 agreement in case of any changes to the proposed scheme following the granting of planning permission.
- 5.31 **Sustainability Officer:** Comment  
There are some positive features proposed with the scheme that address policy CP8 Sustainable Buildings, but more could be done to improve the scheme. The Sustainability Checklist indicates some further positive measures to address aspects of policy CP8: internal flood resilience measures; ecological mitigation measures; provision of 80 cycle parking spaces; one allocated car club space; and two electric vehicle charging spaces. The scheme could be improved by including green roofs or walls; further passive design measures; use of sustainable materials; rainwater butts or rainwater harvesting and reuse; food growing or edible/productive planting incorporated into landscaping proposals; provision for onsite composting.
- 5.32 **Local Flood Authority:** No objection  
No objection subject to the necessary conditions attached.

## 6. MATERIAL CONSIDERATIONS

- 6.1 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
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

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

## 7. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage
- CP16 Open space
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

- The Sackville Gardens Conservation Area Character Statement - 1997
- SPD03 Construction & Demolition Waste
- SPD09 Architectural Features
- SPD11 Nature Conservation & Development
- SPD14 Parking Standards
- SPG15 Tall Buildings

## 8. **CONSIDERATIONS AND ASSESSMENT**

### 8.1 **Principle of Development**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this

minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.2 The last lawful use undertaken on the site was a hotel that was demolished following a fire in 2006. Since then, a series of planning permissions have approved a change of use of the site to residential. The site is not identified for a specific use within the Development Plan. The principle of the proposed residential use is therefore accepted.

8.3 **Scale of Development / Tall Building Guidance**

City Plan Part One Policy CP14 requires development to make full, efficient and sustainable use of land. The density of 60 flats across 0.14 hectares equates to 429 dwellings per hectare which is therefore supported by Policy CP14.

8.4 Policy CP12 identifies the site as being within the Western Seafront and Kingsway area, with potential for taller development. CP12 states that taller buildings on existing brownfield land can achieve sustainable growth subject to respecting identified local character and protecting built heritage. City Plan Policy CP12 builds on evidence within Supplementary Planning Guidance "BH15 Tall Buildings" (SPG15) which identifies the Western Seafront/Kingsway corridor as an area with opportunities for mid-rise buildings of 6-8 storeys, including landmark buildings.

8.5 The site is within the Sackville Gardens Conservation Area. An objection letter referred to the Council's Tall Buildings Study (Gillespies, 2003) which identified the application site as within a "Planned conservation area generally unsuitable for tall buildings". However, SPG15 was adopted more recently and did not include exact boundaries for tall buildings corridors, but defined linear zones around transportation routes. SPG15 (and CP12) do support tall-buildings in conservation areas providing that it can be demonstrated that the character and appearance of the conservation area is preserved or enhanced.

8.6 The City Plan therefore supports a tall building in this location in principle, subject to all other material considerations.

8.7 **Height**

Fronting Kingsway, the proposed building is 26m tall to the upper roof of the penthouse level and 23m tall to the highest point of the main elevation (7th storey). The adjoined building at 191 Kingsway is 17.8m at its highest point.

8.8 The Sackville Gardens eastern elevation steps down from 26m at the corner of Kingsway to 16m at the northern 5 storey end and 13m to the top of the main elevation on this side (4th storey). The nearest building to the north, 2 Sackville Gardens, measures 11.5m tall to ridge-height at a separation distance of 12m. The bulk of the eastern elevation, although still substantially larger than the houses along Sackville Gardens, sufficiently steps-down to a height that would

not be overly dominant of the existing 2-storey houses given the surrounding context and separation distance.

- 8.9 There are comparable buildings nearby on Kingsway that set a precedent for 8 storey buildings next to shorter neighbours including in conservation areas. 'Fairlawns' (159 Kingsway), 150m to the east, is a modern 8-storey residential building within the Pembroke and Princes Conservation Area and stands adjacent to the 3-storey over basement historic terrace of 167-171 Kingsway. To the rear of Fairlawns is a two-storey house (2 Princes Crescent) at a separation distance of 16m. 'Horizon' (205 Kingsway), 100m to the west of the application site, is also a modern 8-storey over basement residential building and adjoins the 4-storey over basement historic terrace of 195-203 Kingsway within the Sackville Gardens Conservation Area. In both nearby examples, the neighbouring buildings are at odds in terms of their architectural styles and relative heights, but do not appear overly discordant in the streetscene because of the great variety of styles, heights and spacing that characterises this part of the Kingsway.
- 8.10 The application building would stand 8m taller than its adjoined neighbour at 191 Kingsway but this level of difference would not be out of keeping with the significant variety of heights, forms and styles along this part of Kingsway.
- 8.11 Constraining new development to being no taller than all adjoining neighbours would not allow for variety and sustainable, higher density re-development of brownfield land as supported by City Plan Policy CP12. Kingsway is identified as a tall buildings corridor and Special Area in the City Plan and is likely to see further tall buildings in the future; proposals in the short term should not be limited to lower heights solely because they are a progenitor of this trend.
- 8.12 **Design and Appearance**  
Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history (NPPF paragraphs 58 and 64). Kingsway, the A259, is a busy dual-carriageway and a main arterial route into the City from the west. Within the vicinity of the application site Kingsway is characterised by tall, often utilitarian, residential development on its north side and open lawns with sparse, low-rise sea-front structures on the south side. Many of the streets running north from Kingsway, including Sackville Gardens, are characterised by historic rows of smaller domestic buildings of two or three storeys, book-ended by taller buildings at the southern end on Kingsway.
- 8.13 The palette of materials is based around gault brick (yellow/cream) which is a common and characteristic tone within the Sackville Gardens Conservation Area. It is noted that the use of bronze and dark grey metal detailing are non-traditional materials in this area but their tone and limited use relates well to the brick, presenting a modern appearance whilst preserving surrounding historic character. The extensive use of glazed balconies presents a risk of a cluttered appearance from domestic paraphernalia and untidiness on the outside of the building. The use of etched glass to provide some mitigation can be secured by condition.



- 8.14 The building line is acceptable, aligning with the adjoined 191 Kingsway along its southern boundary and relating adequately to houses on Sackville Gardens along its eastern boundary despite taking an angle away from them. The curved design feature to the south east corner is understood to have arisen from consultation with the community and provides visual interest and connectivity between the two most prominent elevations. The south elevation replicates the bay-rhythm and window proportions of the San Remo building to the east which will provide consistent proportions in the streetscene and is an architectural strength.
- 8.15 The position, form, detailing and choice of materials are appropriate in this location and respond well to the mix of modern and traditional influences in the area.
- 8.16 **Sackville Gardens Conservation Area**  
Great weight should be given to the preservation of the character and appearance of the Sackville Garden Conservation Area, with any harm requiring a 'clear and convincing justification' such as economic, social and environmental benefits (NPPF paragraph 132).
- 8.17 The Sackville Gardens Conservation Area, along three straight and parallel residential streets running northwards from the seafront, was built in the late 19th century from either red or yellow gault brick, with some stucco buildings in between. Many of the buildings have prominent gables to the street with some of them still retaining their original red tiled roofs. The clear geometrical layout of the conservation area has a role in its character with the busy east-west arterial routes in and out of the City and the north-south streets being comparatively quiet with only local traffic associated with the houses.
- 8.18 The Conservation Area Character Statement describes buildings on Kingsway as being generally 5 or 6 storeys high and more ornate and prominent than the smaller more domestic buildings in the quieter street to the north. The former hotel on site was 5 storeys and the neighbouring building to the east, "San Remo" (173-187 Kingsway), is a very good historic terrace of 6 storeys. The architectural variety and also the contrasting juxtaposition of taller, south-facing Kingsway buildings and low-rise east- and west-facing houses is a key part of the local character and creates a strong sense of place.
- 8.19 Sackville Gardens itself is a quiet residential, tree-lined street formed mostly of low-rise housing development between busy thoroughfares. The application site 'book-ends' Sackville Gardens as viewed from the north and would be in stark contrast to the current situation where the empty site provides no visual break before the Western Lawns and sea beyond. However, this is a clear anomaly in the wider conservation area (and adjacent areas) where the overwhelming pattern of urban form and grain is for taller, varied Kingsway buildings south of the low-rise, ordered streets and conservation areas to the north.

- 8.20 The Council's Heritage Officer is comfortable with the overall height in principle, considering that taller buildings have emerged along the Hove seafront recently so the site is able to accommodate a new building of a larger scale than would normally be acceptable in this conservation area. However, it was concluded that the bulk of the building with 7 full storeys and a penthouse between its neighbouring seafront terraces does not adequately preserve the character of Sackville Gardens. Several other minor elements of the design and appearance also raised some concern.
- 8.21 The Heritage Officer proposed a series of amendments to address their concerns, rather than raising a fundamental objection to the scheme from the outset. These included adjusting the design to 6 full storeys and two penthouse levels effectively limiting the bulk and main architectural features of the building to 6 storeys whilst retaining the overall 8-storey height. Most of the minor amendments were agreed and changed by the applicant but they were not minded to alter the 7th storey to a lower-penthouse level and so the proposal is assessed on this basis.
- 8.22 The designation of a conservation area does not prevent a tall building in principle, subject to the preservation of its historic character and appearance. The proposed 8 storey building would appear as a significant change compared to the current vacant site, but would continue the established development pattern of the area, as set out above. As set out earlier in this report, the colour palette, bay proportions, building line and orientation of the proposal conforms well to the surrounding conservation area despite being a modern design. The neighbouring building to the west, 191 Kingsway is a new-build with very modern design; an appeal inspector found *"rather than being 'incongruous', I consider that the building would fit easily into its surroundings and would respect the development pattern without dominating or detracting from the more historic buildings on the seafront and the character and appearance of the conservation area"*. For these reasons it is considered that the character of the conservation area is preserved by the proposal.
- 8.23 The appearance of the Sackville Gardens Conservation Area will be most affected in views along Sackville Gardens close to the site from the north where the height of the proposed building relative to houses on the street would be most apparent. Although the building will visually dominate the nearest houses on Sackville Gardens when viewed in close proximity to the site, its height will be seen in the context of the other tall buildings nearby and the building will clearly read as being more related to Kingsway. From further along Sackville Gardens, moving away from the site to the north, the building's relative height will become less evident and its building line, transitional stepping-down in height and colour palette will accord with the surrounding houses and not appear significant or obtrusive. Noting again that many of the conservation area streets nearby end in tall buildings along the Kingsway yet retain their special historic qualities, the appearance of the conservation area although impacted, is not considered to be significantly harmed by the proposal on balance.

8.24 **Affordable Housing:**

City Plan Part One Policy CP20 requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. For this proposal of 60 dwellings this would equate to 24 affordable units. The Council's Affordable Housing Brief (2014) sets out a citywide objective to achieve a tenure mix of affordable housing of 55% social or affordable rented and 45% intermediate e.g. shared ownership. For the application scheme this would equate to approximately 13 rented units and 11 intermediate units.

- 8.25 The policy wording of CP20 advises that the target of 40% may be applied flexibly where it is considered to be justified in light of various criteria including, among others: the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model); the extent to which affordable housing would prejudice other planning objectives; and, the need to achieve a successful housing development.
- 8.27 A confidential viability assessment was submitted with the application indicating no affordable housing was viable. Officers requested the District Valuer Service (DVS) provide an independent review of this evidence. The initial advice of the DVS was that the scheme could viably support some level of affordable housing but following extensive discussion and adjustment between the DVS and the applicant's viability consultant, no agreement on their respective conclusions could be reached. The disagreement revolved around a fundamental element of the two viability appraisals: the Benchmark Land Value. Because no agreement could be reached on the Benchmark Land Value, the Council commissioned a third party to adjudicate (BNP Paribas).
- 8.28 During consideration by BNP Paribas and subsequent to the initial report of the DVS, the applicant's viability consultant continued to make amendments to their evidence and correct errors in their report. This led to a verbal update to the 13<sup>th</sup> September 2017 Committee on the maximum viable affordable housing position agreed between BNP Paribas and the applicant. The agreed position was 5 Affordable Rent units (8% of site total) as the preferred option of the Housing Strategy Team. Members were also advised that a mixed tenure scheme of 4 Affordable Rent and 3 Shared Ownership units (7 units / 11.6% of site total) was also viable as an alternative.
- 8.29 Following deferral of the application further advice was sought from the DVS regarding the latest version of the applicant's viability evidence. The DVS have now reached agreement with BNP Paribas and their joint, final advice has been published on the Council's Planning Register. The report includes four possible combinations of affordable housing tenures. The Affordable Housing Brief states an objective to achieve a mix of 55% rented and 45% intermediate units and so the combination of 10 affordable units (16% of the site total) in the form of 5 affordable rent units (2 x 1-bed and 3 x 2-bed) and 5 shared ownership units (3 x 1-bed and 2 x 2-bed) accords most closely with this objective. It is therefore recommended that 10 affordable units is the maximum viable level that is possible to secure at the proposed scheme, in accordance with City Plan Policy CP20.

**8.30 Impact on Amenity:**

Neighbouring representations raised amenity concerns mainly relating to loss of light and loss of privacy from overlooking.

- 8.31 The submitted Daylight and Sunlight Report and the Overshadowing Assessment provide a full assessment of light impacts on neighbouring properties. It concludes that impacts arising from the proposed development demonstrate good levels of compliance with BRE guidance.
- 8.32 The northernmost windows are proposed to be obscurely glazed and the north-facing windows of the main building will be comparable to several other north-facing units to the rear of buildings located along Kingsway including the neighbouring 191 Kingsway which has the same orientation and outlook.
- 8.33 There are only two balconies which afford a limited view north towards the private amenity space of housing. The fourth floor rear penthouse has a west-facing balcony which looks towards the rear of Clarke Court at a distance of 46m and with no outdoor amenity space so loss of privacy is minimal. Oblique views towards the rear gardens of houses on the western side of Sackville Gardens could be protected by the installation of a narrow privacy screen, to be secured by condition. The seventh floor penthouse again has a west-facing balcony with minimal visibility to the north which could also be protected by the installation of a privacy screen.
- 8.34 Concern has been raised about the overlooking of front and roof terraces at the adjacent 191 Kingsway from the front balconies on each floor of the new building, as well as the penthouse terrace. From the submitted drawings it does appear that a clear line of sight in close proximity would occur and so the installation of privacy screens to the western-most balconies is recommended to be secured by condition.
- 8.35 Otherwise, taking into account all of the other representations, the impact on amenity is not harmful enough to warrant the refusal of the application.
- 8.36 **Type and Quality of Accommodation**  
The proposed accommodation schedule is 40 x one bed units (including 12 studio flats), 19 x two bed units and 1 x three bed units.
- 8.37 The latest objective assessment of housing need for Brighton & Hove (GL Hearn, June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each). This reflects continuing demand for housing from younger persons and young families. Studio flats offer limited flexibility to changing household circumstances. On this basis, the proposed mix for this scheme is less than ideal. However, a city-wide preference for housing mix cannot be applied rigidly to each site and it has to be considered that a block of flats on the seafront is likely to contain smaller units with fewer bedrooms to cater for a certain market, compared to areas further away from the city centre which would focus more on family units. There is however a wide range of unit sizes, despite a majority of one-beds, and on balance it would not be expedient to refuse the application on this basis alone.

8.38 The Council does not have adopted minimal space standards for new dwellings but uses the Government's Technical housing standards: nationally described space standard published in March 2015 as a benchmark for an acceptable level of living space for future occupiers. All of the proposed dwellings exceed the national minimal space standards with the larger two-bed and three-bed units offering the most generous space well above the minimal standards and all with private balconies. The access to light and outlook is generally good and some of the smaller units on the northern side have been amended to include more windows. The individual and overall accommodation is assessed as being satisfactory.

8.39 **Sustainable Transport**

Subject to the recommended conditions, the Highways Authority supports the application. The highest number of representations raising concern about transportation matters related to on-street parking pressure. The application proposes 27 car parking spaces, 6 outside at ground level to the rear of the site and 21 in the basement car park including 4 disabled bays. This would leave 33 new units without a parking space. A condition is therefore recommended to prevent any future residents from applying for an on-street parking permit, preventing any additional pressure experienced by local residents. A financial contribution to improve local sustainable transport measures is also sought along with a Travel Plan to encourage sustainable transport choices.

8.40 **Sustainability**

Sustainability measures have been incorporated into the design including a 28kWp solar PV system on the roof. The Council's Sustainability Officer is supportive of the energy saving features of the development although notes more could have been incorporated in the design of the scheme. The Sustainability Officer recommends considering a decentralised energy scheme such as communal heating which is an objective of City Plan Special Area policies. However, given the site is not within a Special Area designation (it is adjacent to the northern boundary of SA1) and energy and water saving measures to meet the requirements of policy CP8 can be secured by condition, a decentralised energy scheme is not considered reasonable to require. A condition to secure biodiversity enhancements is also proposed.

**9. EQUALITIES**

9.1 The scheme would provide for 10 affordable units. Conditions are attached to ensure that all dwellings are built to Building Regulations Optional Requirement M4 parts (2) and (3)(2b) standards for accessibility.

## **Letter from Ward Councillor Tom Bewick: Sackville Gardens, HOVE: Section 106 Agreement**

Submission by Cllr Tom Bewick, Westbourne ward

### **Background**

The site of the old Sackville Hotel in Westbourne is earmarked for development. Hyde Housing put forward an initial scheme, "Sackville Tower", which was rejected by local residents and planning.

A completely revised scheme has been submitted and consulted on by developers, which is lower (8 stories), and meets most of the objections of the previous scheme. A planning committee submission has been prepared for the beginning of September.

### **Local views**

The principal planning officer has received over 80 individual submissions about the proposed development. Westbourne councillors have received several representations, including information from conservation groups.

The application has been discussed extensively at meetings of the West Hove Forum, where consideration has focussed on community benefit issues, including the Section 106 Agreement with the Council.

On behalf of the community, I would like to see the s106 take account of two issues for further consideration. Both are important to local residents:

- 1) Development of a new **Children's Play Area** / Senior Citizens' Exercise Area with disabled access, adjacent to the proposed development on the Western Lawns;
- 2) Regeneration of **Clarke Court**, a local authority owned block on Walsingham Road, situated behind the proposed development.

### **New children's play area – Western Lawns**

The demographics of Westbourne are changing. In recent years, the ward has been an attractive option for families with pre-school children. Demand is driven by the availability of outstanding (public & private) pre-school childcare choices in the area, including outstanding council maintained infant schools in West Hove.

One fifth of residents (21%) in Westbourne are aged 0-15 years, compared to just 8% of residents aged 0-15 years in Regency Ward. Along with Wish Ward, Westbourne is predicted to experience a significant increase in the child age population – the third highest in the city.

According to Council data, the child population is projected to increase by 5% until 2024.

**Currently, the council maintains no outdoor recreational facilities for young children in Westbourne.** Residents in the north of the ward, around Poets' Corner, use Stoneham Park (in Wish Ward) and residents with older children may travel further to use Hove Lagoon or playgrounds further a field.

A popular (privately owned) indoor facility known locally as "Westows" is earmarked for housing redevelopment and will close next year. While the new housing has been welcomed, the lack of recreational facilities for pre-school children in Westbourne is of major concern to young families in the area.

The combination of many factors: the significant growth in the child population; the continued attraction of young families to rent accommodation in the ward; delays with the King Alfred redevelopment; and the planned closure of local facilities at the Westerman Complex; makes the consideration of a new children's play area in Westbourne an urgent priority.

Section 106 monies could be used to build and maintain such an area, positioned on the un-used bowling greens at the Western Lawns. This would have the advantage of making provision available to parents of babies and pre-school children that live in the flats along the Kingsway. As seen on the continent, the area could also be developed/co-located with an elderly exercise and recreational area with disabled access.

### **Affordable housing policy and Clarke Court**

Westbourne has a growing proportion of properties from the private rented sector. Over one third of residents already privately rent and the ward has been subject to HMO licensing since 2015. The proposed additional licensing scheme (currently out for consultation) may help improve standards. Rents are high in the ward: average £1800pcm for a three-bedroom property.

There is less local authority housing compared to other wards. It is one of the reasons why the Council policy of 40% affordable housing must be adhered to in Westbourne where developers come forward with new housing schemes. We do not want to see the steady social cleansing of low-income households from this part of the city.

Clake Court is a mid-sized local authority block situated behind the planned Sackville Gardens re-development. On inspection of the block the exterior is looking run down. In discussion with residents, they have told me that they would like to see more attention given to the needs of social tenants, including an upgrade of facilities. The s106 Agreement with Hyde Housing represents an opportunity to address the needs of our tenants, as well as promote community cohesion, since the Sackville Gardens development will no doubt target up-market buyers.

**Councillor Tom Bewick**





# **ITEM B**

**Victoria Gardens North And South, Grand  
Parade, St Peter's Church, York Place  
(Valley Gardens), Brighton**

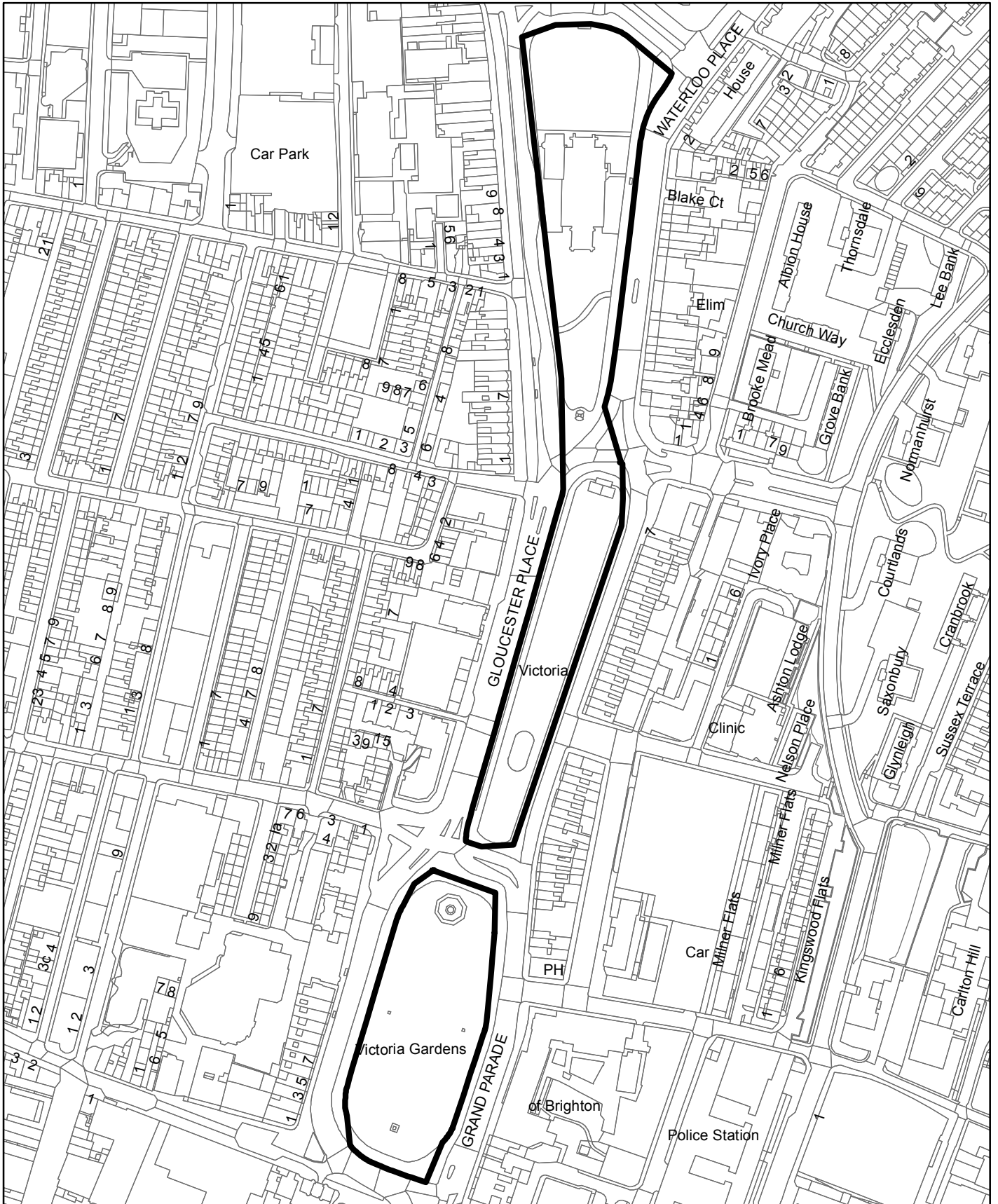
**BH2017/02583**

**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2017/02583 Victoria Gardens Grand Parade, St Peter's Church, York Place, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:2,900**



<b><u>No:</u></b>	<b>BH2017/02583</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Victoria Gardens North And South, Grand Parade, St Peter's Church, York Place (Valley Gardens) Brighton</b>		
<b><u>Proposal:</u></b>	<b>Hard and soft landscaping works to Victoria Gardens North and South and grounds of St Peters Church, including creation of public square to front of St Peter's Church, relocation of car parking spaces to North of church, new cycle routes and pedestrian paths, lighting and associated works.</b>		
<b><u>Officer:</u></b>	Wayne Nee, tel: 292132	<b><u>Valid Date:</u></b>	13.09.2017
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	13.12.2017
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Murray Smith 6 Alexandra Walk London SE19 1AL		
<b><u>Applicant:</u></b>	Ms Tracy Beverley Transport Planning Team Hove Town Hall Norton Road Hove BN3 3BQ		

1. **RECOMMENDATION**

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1705-PL-E-000	01	
Landscaping Proposed	1705-PL-P-110_2	05	18 October 2017
Landscaping Proposed	1705-PL-P-110_1	05	18 October 2017
Landscaping Proposed	1705-PL-P-111_2	05	18 October 2017
Landscaping Proposed	1705-PL-P-111_1	05	18 October 2017
Landscaping Proposed	1705-PL-P-112_2	05	18 October 2017
Landscaping Proposed	1705-PL-P-112_1	05	18 October 2017
Landscaping Proposed	1705-PL-P-113_2	05	18 October 2017
Landscaping Proposed	1705-PL-P-113_1	05	18 October 2017
Landscaping Proposed	1705-PL-P-114_2	05	18 October 2017
Landscaping Proposed	1705-PL-P-114_1	05	18 October 2017
Landscaping Proposed	1705-PL-P-115_1	05	18 October 2017
Landscaping Proposed	1705-PL-P-115_2	05	18 October 2017
Landscaping Proposed	1705-PL-P-010	04	31 July 2017
Landscaping Proposed	1705-PL-P-011	03	31 July 2017
Sections Proposed	1705-PL-P-120	02	18 October 2017

Sections Proposed	1705-PL-P-121	02	18 October 2017
Sections Proposed	1705-PL-P-125	02	18 October 2017
Sections Proposed	1705-PL-P-127	02	18 October 2017
Sections Proposed	1705-PL-P-128	02	18 October 2017

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 Prior to use of the development hereby permitted, details of disabled car parking provision 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 scheme shall be fully implemented and made available for use prior to the use 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 TR18 of the Brighton & Hove Local Plan and SPG4 guidance.

4 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 by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed 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 the National Planning Policy Framework

5 No development shall take place until a Management Plan for the public space has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be approved in writing prior to first use of the development and shall be implemented as approved thereafter. The details and actions with the Management Plan shall include;

- Programme of phased implementation of works
- Maintenance details of the soft and hard landscaping
- Details of signage
- Details of measures to manage anti-social behaviour, including criminal damage and graffiti, in consultation with stakeholders.

**Reason:** In order to safeguard the future use of the open space and the amenities of neighbours in accordance with policy CP16 of the Brighton and Hove City Plan Part One, and policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 6 Prior to first use of the development hereby permitted, details of appropriate levels of lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
- 7 No development shall take place until samples of all hard surfacing materials to be used in the construction of the external surfaces of the development, including the Yorkstone, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan, and CP15 of the City Plan Part One.
- 8 Notwithstanding the submitted details of the 'Henley' lantern, no development of the lanterns shall take place until full details of the proposed lanterns, including details of the painting/colour, and reasons why any original lanterns are not to be retained and refurbished, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan, and CP15 of the City Plan Part One.
- 9 No development of the new benches hereby permitted shall take place until full details of the benches have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan, and CP15 of the City Plan Part One.
- 10 No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:
- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Treeworks Specification and means for their implementation, supervision and monitoring during works;
  - ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees;

No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One.

- 11 The recommended mitigation measures in the submitted Ecological Survey Report dated 16 March 2015 shall be implemented in full prior to use of the development hereby approved.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the City Plan Part One.

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

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

- 13 All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the details of external lighting required by condition no.6 above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution



of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to Victoria Gardens North and Victoria Gardens South, together with the green space surrounding St Peter's Church, forms the central part of the Valley Gardens conservation area. Valley Gardens is a linear area comprising of a series of public open spaces that run from Old Steine in the south to The Level in the north but which also includes the historic private communal gardens of Park Crescent to the north of the Level.
- 2.2 These open spaces have historic value in that way that they reflect the topography of Brighton and their subsequent developed from the late 18th century onwards. These green spaces reflect the route of the Wellesbourne, a winter-bourne stream that ran from the Downs to the sea but which was culverted in the later 19th century. The pattern of development saw grand terraces and some individual buildings constructed to front onto the open spaces, which became popular for promenading. Despite some late 19th and 20th century redevelopment this pattern of development has continued. Many of the buildings that front onto the green spaces are listed and the gardens form an important part of their setting. This includes the grade I listed Royal Pavilion and the grade II\* listed North Gate.
- 2.3 The one major structure within the central gardens is the grade II\* listed St Peter's Church, which was built 1824-28 to the designs of Sir Charles Barry and extended with new chancel, vestry and south east chapel in 1898-1906 by George Somers Clarke the younger and JT Micklethwaite. It is in a broadly Perpendicular Gothic style in Portland Stone with extensions in Sussex sandstone. The church is both a local and city-wide landmark, with its tower being a highly notable feature in a number of views. There are two other listed buildings within the application site boundary, both grade II: the Statue of Queen Victoria at the southern end of Victoria Gardens (1878 by EB Stephens) and the Obelisk and Fountain at the southern end the St Peter's Church Gardens. Opposite the Statue of Queen Victoria is the grade II listed Statue of George IV of 1828 by Sir Francis Chantrey.
- 2.4 Victoria Gardens themselves are included in the Local List of Heritage Assets and are therefore treated as undesignated heritage assets. Most of Victoria Gardens South lies within an Archaeological Notification Area. Following the enclosure of the Old Steine Gardens in 1778, the areas to the north were improved and enclosed in 1787. Originally known as the North Steine Enclosures, Victoria Gardens was originally open only to residents and subscribers. In 1883 the north enclosure was opened to the public and an encircling path made. The southern enclosures remained in exclusive use until 1896. In the 1920s, under the direction of Captain Bertie MacLaren, the iron railings were removed and the layout with dwarf fences installed.

as. Within the gardens there are a significant number of cast iron street lights dating from the 1920s and designed by BLEECO, in a pattern found nowhere else in Brighton & Hove. These have also been included in the Local List of Heritage Assets and are again to be treated as undesignated heritage assets.

- 2.5 The Mazda Electric Fountain stands to the northern end of Victoria Gardens South. Given to the town in 1930 by Thomson-Houston Ltd following an exhibition, it was originally illuminated from below with changing coloured lighting. The fountain control box survives to the north west pavement, an attractive feature in cast iron with multi-coloured 'sunbeam' stained glass. Victoria Gardens South also hosts two Portland Stone plinths of historic interest, the only surviving ones of five that originally hosted allegorical sculptures that were installed in 1898 and removed some time during the 1920s/30s.
- 2.6 Planning permission is sought for hard and soft landscaping works to Victoria Gardens North and South and grounds of St Peter's Church, including creation of public square to front of St Peter's Church, relocation of car parking spaces to the North of the church, new cycle routes and pedestrian paths, lighting and associated works.
- 2.7 The proposals are part of a wider transport scheme to improve access to public transport services and ease of movement throughout the area, improve cycling links and renew existing highway infrastructure.
- 2.8 The main features of the proposal are:
- Tree planting throughout the site, most notably along the Valley Gardens east edge of the site
  - New hard landscaped spaces, including a new square outside the south entrance of St Peter's Church (St Peter's Square), and a new square to the north of Victoria Gardens North (Richmond Square).
  - New pedestrian and cycle paths, including diagonal pedestrian path routes through the gardens to improve connectivity
  - Outline of potential new temporary event areas
  - Relocation of existing car parking south of St Peter's Church to the north of the building
- 2.9 A previous planning application (BH2015/00491) was submitted and later withdrawn. The most notable changes to this scheme are a more simplified landscape scheme with the removal of water features, alterations to materials of hard landscaping, alterations to pedestrian paths and tree locations, and the retention of the Mazda Fountain in its existing position.
- 2.10 During the course of the application, amended plans were submitted with further clarification of where the existing cast lighting columns are proposed for re-use, alterations to pathway materials, introduction of Yorkstone near to the church, and minor alterations to tree proposals.

### **3. RELEVANT HISTORY**

**BH2015/00491** Hard and soft landscaping works to Victoria Gardens North and South and grounds of St Peters Church, including creation of public square to front of St Peter's Church, relocation of car parking spaces to North of church, new cycle routes and pedestrian paths, streams and water features, bicycle provision, lighting and associated works - Withdrawn 13/07/2015

#### **4. REPRESENTATIONS**

4.1 One (1) letter of representation has been received objecting to the application for the following reasons:

- The application lacks detail of the visual representation of the development
- The design fails to create a quality urban landscape appropriate for the location
- The design fails to provide legible and safe links to the rest of the city
- Fails to enhance important heritage assets
- Does not make provision for outdoor events
- The proposals are cheap, but expensive to maintain

4.2 One (1) letter has been received commenting on the application as follows:

- There should be a limit on the number of additional trees so the land can accommodate events and activities;
- The Mazda Fountain should be retained
- There should be links of routes from north to south with good access for all
- Should provide adequate signage, seating, lighting and waste bins
- The proposals should allow for the free flow of traffic

#### **5. CONSULTATIONS**

5.1 **Brighton and Hove Archaeological Society:** No objection

The valley running from Round Hill down towards the sea front has been a busy thoroughfare for millennia. It is likely to have been the route from the sea to the Roman villa located at Ditchling Rise. When St Peter's church was built a number of Roman coins were found. The area immediately to the south of the church was used in medieval times as a training ground for archery. It is possible that vestiges from both these periods and even earlier may remain. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

5.2 **County Archaeology:** No objection

The proposed development is within an Archaeological Notification Area defining an area of Roman activity including human burials. It is noted that the applicant has not consulted the HER as required by the NPPF, or produced a heritage impact assessment outlining the potential impacts on buried archaeological remains. On the previous application for the same proposal, the applicant stated that in general the maximum digging depth will be around 500mm. In certain specific locations (such as tree pits which are shown in the planning drawings pack) excavations of up to 1100mm will be required.

- 5.3 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.
- 5.4 In furtherance of this recommendation, advice can be given to the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.
- 5.5 The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (April 2015).
- 5.6 **Sustainability:** No objection  
The application addresses City Plan policy CP8 effectively. The scheme incorporates sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the Biosphere and mitigate against and adapt to climate change. The scheme improves the resilience of the Valley Gardens corridor to climate change, through reducing 'heat island effect' and surface water run-off. Proposed sustainable urban drainage features provide temporary storage to avoid local surface water flooding. These features are well designed to provide additional benefits that include biodiversity enhancements and public amenity. They meet other aspects of policy CP8 by improving health and the wider environment by making the best use of layout, landscaping and materials
- 5.7 **Sussex Police:** No objection A consultation has occurred with the CCTV controllers regarding the views of Sussex Police CCTV surveillance cameras that can observe Victoria Gardens. It is noted that there is a proposal to plant a number of additional trees at various locations across the gardens which impact on the views of two of those CCTV cameras. The first, located at the junction of Richmond Place and St George's Place that observes the south end of St Peters church and the proposed public square. Also a further CCTV camera located at the junction of London Road and York Place/A23 with St Peters Place that gives a view southwards and which already has an impeded view of the gardens caused by tree foliage. Careful positioning and maintenance of the trees should be considered at this stage, as further trees have the potential to reduce the effectiveness of those CCTV cameras which aide crime prevention within the gardens.
- 5.8 Cyclists using the proposed cycle stands at St Peters Church should be encouraged to lock both wheels and the crossbar to a stand rather than just the cross bar and therefore a design of cycle stand that enables this method of locking to be used is recommended. Minimum requirements for such equipment

are Galvanised steel bar construction minimum thickness 3mm. Minimum foundation depth of 300mm with welded 'anchor bar'. Compliance can be demonstrated by products certified to PS 1175 Issue2 (2014) Security Rating 1 or 2 or alternatively Sold secure (Bronze Silver or Gold) (www.SecurebyDesign.com) Safer Homes 2016 Para 53.4.

5.9 In relation to a potential café being built on the site of the old public convenience it is recommended that vandal resistant doors and windows be fitted to conform to LPS 1175 SR2 with Vandal resistant dusk till dawn lighting fitted above entry doors.

5.10 **Environmental Health: No objection**

No potentially contaminated land is shown on the database. Designers should be aware that artificial lighting can cause nuisance to those living and working alongside. This should be borne in mind when designing the lighting.

5.11 External lighting for the development should be designed and positioned to:

- Be the minimum required to perform the relevant lighting task.
- Minimise light spillage and pollution.
- Include landscaping/screening measures to screen illuminated areas in 2 environmentally sensitive areas.
- Avoid dazzle or distraction to drivers on nearby highways. Any external lighting designs must have reference to both horizontal and vertical illuminance to account for the varied sensitive receptors on and around the site. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011).

5.12 **Heritage: Comment**

5.13 Initial comments:

The Valley Gardens conservation area is on the Historic England 'at risk' register for a number of reasons and the poor condition of the public realm and historic open spaces is one of the factors. The importance of a comprehensive solution for this area is acknowledged by policy SA3 of the draft City Plan Part 1. The policy has seven key aims and these proposals would address the majority of those aims whilst also partly reflecting the requirement to make clear the distinct role and character of each public space. In these respects the proposals are very welcome and are largely considered to have successfully addressed that policy.

5.14 There would be some notable change to the footprints of the historic public open spaces and footways but the footprint of these spaces have changed and evolved a number of times over past 230 years or so, most dramatically in the 1920s/30s, whilst the space south of St Peter's Church was substantially changed as part of a traffic scheme in the 1990s. These proposals are a continuation of that process of evolution and would retain the overall linear form of the public 3 space and its overall scale. The proposed increase in the amount of public open space in total is welcomed and the proposed layout of new pathways retains a sense of formality whilst reflecting desire lines.

- 5.15 The approach to new tree planting, with new or reinforced avenues of Elm to the perimeter and arboretum trees more centrally, is generally welcomed. But care will be needed to ensure that arboretum trees are not of size that would harm key views north to St Peter's Church or south towards the North Gate of the Royal Pavilion.
- 5.16 The proposals to relocate the car parking area from immediately south of St Peter's Church to the north of it, together with the reduction in the number of parking spaces, is very welcome as the southern frontage and tower is the most architecturally significant element of the exterior and the approach to the church, and views, from the south are the key ones. The proposed formal hardsurfaced space in front of the church echoes the footprint of the church and would further contribute, together with the new avenue of tree planting, to a clear enhancement of the setting of the church. The existing path of historic York Stone to the rear of the Church would regrettably be lost to the new car park access but a small area of York Stone paving to the west entrance to the memorial hall would be retained. However, it is disappointing that no further use of York Stone has been proposed. It would be appropriate to use York Stone for the entrance path to the east door and in a border around the tower (which will include the future ceremonial church entrance).
- 5.17 With regard to the two listed structures within the gardens, the setting of the Statue of Queen Victoria would generally be preserved but there are some concerns about the proposed 'art plinth' to the south east of this; an artwork of significant scale here could detract from the setting of the Statue. Similarly an artwork on the proposed plinth on the opposite side of the road could detract from the setting of the listed Statue of George IV. Therefore it would be appropriate to omit these two plinths. The setting of the Obelisk and Drinking Fountain would be enhanced by the new landscaped area south of the Church.
- 5.18 With regard to other heritage assets, the plans indicate the retention and refurbishment of the 1920s cast iron lighting columns, which is welcome. However, it is difficult to distinguish between the retained and new columns due to the colour key. More supporting information on this aspect of the proposals is needed, including numbers of cast iron columns to be retained and an explanation of the design approach taken to locating the retained and new columns.
- 5.19 The Mazda fountain is to be retained and presumably the associated control box with 'sunbeam' glazing is also to be retained. The two 1898 statue plinths in Victoria Gardens South would also be retained in situ but there is a concern that the one on the west side would be at risk from structures and events in the large Outdoor Performance Space indicated on plan.
- 5.20 Further comments:  
The revised plans and additional information have generally addressed the concerns raised in the previous comments. The inclusion of York Stone paving to the thresholds and entrances to St Peter's Church is welcomed and compensates for the loss of the original York Stone path to the rear of the

Church. Approval of a sample should be required by condition. The retention of the historic, locally listed lighting columns to the perimeter of the gardens (as existing) has been clarified and is again welcomed. Details have been submitted of a 'Henley' lantern which it is assumed is to replace the existing lanterns but it is not clear why the original lanterns are not to be retained and refurbished. Further information on this matter is required. It is also unclear as to whether the new lighting columns in the open space are to be painted/colour finished black to match the historic columns. This could be covered by condition. Details of the new benches to 'St Peter's Square' should also be covered by condition.

5.21 **County Ecologist:** No objection

Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.

5.22 The site is not subject to any designations for its nature conservation value. The site comprises buildings, hard standing, species poor amenity grassland, scattered trees, planted shrubs and perennials and a yew hedge. The features of greatest significance are the trees, most notably the two large English Elms within Victoria Gardens South, which should be retained and protected. Other habitats on site are of relatively low value but have the potential to support protected species.

5.23 All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. The Church has the potential to support roosting bats. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended all lighting design should take account of national guidance, and shields should be used to avoid light spill onto the church.

5.24 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

5.25 The proposed development is considered unlikely to have any impacts on any other protected species and therefore no specific mitigation is required. If protected species are encountered during works, works should stop and advice should be sought from an ecologist on how to proceed.

5.26 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include but are not limited to the use of species of known wildlife benefit within

the landscaping scheme, the creation of wildflower meadow areas, the provision of bird and bat boxes and the provision of stage beetle loggeries.

5.27 In summary, provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a negative impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement which will help the Council address its duties and responsibilities under the NERC Act and NPPF.

5.28 **Conservation Advisory Group: Objection**

The Group recommend REFUSAL on the grounds that:

- The low quality hard landscaping surfaces proposed should be selectively upgraded to enhance the character of the Conservation Area and incorporate a wider variety of paving materials such as cobbles, setts, brick paving, and Conservation style concrete paving slabs in order to define different uses and areas.
- There are insufficient or no details provided on the hard landscaping drawings of important landscaping elements and street furniture such as seating, bollards, new lamp standards, tree guards, railings, fences, litter bins, signage - all the elements which can - if correctly selected and specified - contribute to the character and visual interest of the historic setting of Valley Gardens.
- There were no details of a budget for maintenance - there is a large amount in the design, eg trees and flowering beds, which will require an ongoing maintenance programme. It would be regrettable if a grant funded scheme put the local authority in an unsustainable position. The lack of maintenance of the recently renovated buildings at The Level was cited as a salutary warning.
- The Group requested that, if recommended by the Officer for approval, the proposal should be referred to Planning Committee.

5.29 **Planning Policy: Comment**

The principle of this proposal is welcomed and supported. The City Plan clearly sets out in SA3 support for the enhancement and regeneration of the Valley Gardens Area that reconnects the open space to the surrounding urban realm whilst bringing about a number of other benefits. The retention and enhancement of existing open space, especially in a manner which meets needs and increases effective open space use, is welcomed and supported by planning policy (policy CP16 in particular). The use of sustainable urban drainage systems (SUDs) and biodiversity enhancements are also encouraged (policies CP8 & CP10). Pedestrian, cycling and public realm improvements in Valley Gardens are also supported by planning policy (policies CP9 & CP13) and so are cultural and tourist enhancements including outdoor event space (policy CP5).

5.30 The proposal does, however, take quite an engineered approach which will be dependent upon adequate funding and future maintenance to secure its success. In order to ensure the proposal accords with planning policy, which seeks sustainable and viable development (thus the current public sector



austerity cuts should be taken into account), confirmation is needed on the following: who will be responsible for provision and also future maintenance (eg highways, city parks etc without any area/feature left unaccounted for); that those responsible for maintenance support the proposals and that they agree there is appropriate maintenance funding (regard to liability should also be given); and, that replacement materials can be readily sourced and at a cost that can be covered by the maintenance fund.

- 5.31 Consultees should confirm the likely impact of this proposal on air quality and traffic improvement (cars, coaches, buses, taxis, lorry and bicycles), as well as the likely impact of the proposed planting and lighting on security taking into account the appropriateness of the planting within each section. Compliance with planning policy will be subject to the above matters. Regard should also be given to the provision of additional features to promote informal play throughout the space for all ages so that the area is used more effectively.
- 5.32 The extent and permeability of the proposed network of hard surfaced pathways should be considered and where appropriate (in terms of design, use, practicability etc) amended to be more permeable and/or fewer. Care is needed to ensure the new paths don't generate a need for the SUDs. SU2 seeks to minimise water use and encourages the use of greywater/rainwater, regard to this should be given in respect of the water supply for the water features.
- 5.33 **City Parks: Comment**  
Please see below some pertinent extracts from the Open Spaces Strategy:
- 5.34 Trees
- c) Increase water porous rigid and unbound aggregate surfaces to be implemented where possible around existing and proposed street trees in replacement of tarmac.
- 5.35 Public Realm
- a) An integrated design approach to be adopted for the development of streets linked to parks and open spaces.
- b) All benches to meet minimum design standards for equitable seating, promoting accessibility for the widest range of users.
- c) As a general principle tarmac should be the preferred material for parks and streetscapes where water porous surfaces are not feasible. Subject to exemptions for high profile projects and conservation areas.
- 5.36 Actions
1. Identify streets linking to other open spaces as part of the Community Infrastructure Levy process.
2. Implement the policies of 'public realm' into the Valley Gardens scheme.
- 5.37 Sponsorship, Advertising and Donations
- a) Donations: In order to receive some donations; future maintenance costs may need to be built into the contract.

b) Commercialisation: Develop commercial activity in the city's open spaces such as advertising, sponsorship and donations to grow income for Cityparks, but in a way that is sensitive to the wider heritage and community values of each space, appropriate to health and well-being objectives and in collaboration with the any potential Parks Foundations/Trust.

c) Advertising: New income from advertisement in open spaces to be used primarily for Cityparks.

d) Park Improvement Districts (PIDs): Work with the Business Improvement District (BID) to explore the potential to establish a PID for central Brighton, which might allow Cityparks to lever in additional funding from a 'parks levy' to sustain high quality horticulture in return for commercial benefits to business supporters.

5.38 s106 and CIL

Maximise opportunities to fund ongoing open space improvement and management from development agreements, including embedding the priorities of the Open Spaces Strategy within the Community Infrastructure Levy (CIL) for Brighton & Hove, in particular aiming to secure funding for:

1. Parks and gardens due to their multi-functionality, inclusivity and popularity with residents;
2. An integrated approach to public space design and management including open spaces, highways, trees and flood-risk management.
3. Seek to provide well maintained public open spaces to respond the city's changing built environment as it intensifies to meet housing demand.

5.39 **Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary condition.

5.40 For clarity the Highway Authority comments only relate to the proposals as part of the planning application. None of the comments relate to aspects of the Valley Gardens scheme which are outside the remit of this planning application; which includes all proposed changes to the adopted highway; as these are deemed to benefit from permitted development rights.

5.41 The Highway Authority comments are similar to a recent withdrawn planning application BH2015/00491.

5.42 Pedestrian and Cycle Access:

Pedestrian and cycle access to and through the gardens will be enhanced as a result of the proposed scheme. New pedestrian routes through the gardens will be created providing a linear pedestrian route through the gardens. This increased pedestrian access through the park is welcomed.

5.43 The main pedestrian access to St Peters Church is retained from the Richmond Place frontage. The Highway Authority has no objections to this arrangement.

5.44 Cycle Parking:

The applicant states that they are proposing the retention of the 5 existing Sheffield stands that serve St Peters Church. However, there appears to be 6

Sheffield Stands located on the western side of St Peters Church. The Highway Authority has no objections to the retention of this level of cycle parking to serve the church. As part of the wider scheme additional cycle parking will be provided on highway land.

5.45 Disabled Parking:

The applicant is proposing 3 disabled car parking spaces within the Church car park where currently none are provided. This accords with the Council's parking standards contained in SPD14. The Highway Authority welcomes the provision of this disabled user car parking. The disabled bays appear to be designed in accordance with the Department for Transport Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone either side of each bay. However, the 1.2m clear zone has not been hatched on the submitted drawings; further details could be secured via condition.

5.46 Servicing:

Servicing associated with the church and events at the church are proposed to take place from within the proposed car park. While any servicing associated with events to the south of the church is to take place from within St Peters Square.

5.47 Vehicular Access:

The applicant is proposing a new vehicular access to the relocated parking to the north of the church. The new vehicular access is from Richmond Place. The Highway Authority has no objections to a new vehicular access in this location.

5.48 Car Parking:

As part of the proposals the applicant is proposing to relocate and reduce the car parking for the church. The number of car parking spaces will be reduced from 26 to 12, 3 of which are for disabled users. The car parking will be relocated from its current location to the south of the church to the north of the church.

5.49 The Council's parking standards state that for a church in the central area the maximum car parking standard is disabled user car parking only. However, given that these car parking spaces are existing and that a reduction in the overall level of car parking is proposed the proposed retained level of provision is not considered to warrant a reason for refusal. Given the central and sustainable location the church benefits from and that there are several alternative modes of travel and alternative parking available in the locality the Highway Authority has no objections to the reduction in the parking spaces. The proposed relocation of the car park opens up and maximises the public open space to the south of the church. Therefore the Highway Authority has no objections to the relocation of the car parking.

5.50 Trip Generation/Highway Impact:

The proposals are not considered to significantly increase trips to and from the site above existing levels, as there is no new specific trip generator proposed as part of the application.

## **6. MATERIAL CONSIDERATIONS**

- 6.1 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
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
SA3 Valley Gardens  
CP5 Culture and tourism  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP10 Biodiversity  
CP11 Flood risk  
CP13 Public streets and spaces  
CP15 Heritage  
CP16 Open space

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

TR7 Safe Development  
TR14 Cycle access and parking  
TR15 Cycle Network  
SU9 Pollution and nuisance control  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD25 External Lighting  
QD27 Protection of amenity  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of conservation areas  
HE10 Buildings of local interest  
HE11 Historic Parks and Gardens

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the visual amenities of the public gardens, the Grade II\* St Peter's Church, the street scene and the wider Valley Gardens Conservation Area, and also the setting of listed buildings within the locality of the site. Other considerations include the impact on highways, sustainability, ecology, trees and archaeology.

### **8.2 Planning Policy:**

Policy SA3 sets out the aim to support the enhancement and regeneration of the Valley Gardens Area in an integrated manner that reinforces its strategic significance, emphasises its historic and cultural character, reduces the adverse impact of vehicular traffic, improves local air quality and creates a continuous green boulevard that reconnects the open space to the surrounding urban realm. Policy CP16 requires the retention of existing open space, and to ensure a more effective and appropriate use of it.

8.3 The application site covers an area of open space and non-highway land that includes Victoria Gardens North and South, and the gardens that surround St Peter's Church. The wider transport scheme, including the reduction in carriageway, allows for the public open space within the application site to be significantly increased in size.

8.4 As stated, policy SA3 has several key aims and the proposal would address the majority of those aims whilst also partly reflecting the requirement to make clear the distinct role and character of each public space. The overall retention and enhancement of the existing open space would increase the effectiveness of its public use. The pedestrian, cycling and public realm improvements are welcomed and are considered in accordance with Policy CP16. The proposal also includes cultural and tourist enhancements including outdoor event space, in accordance with Policy CP5.

### **8.5 Design and Appearance:**

Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:

- a) A consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b) The use of building materials and finishes which are sympathetic to the area;

- c) No harmful impact on the townscape and roofscape of the conservation area;
  - d) The retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
  - e) Where appropriate, the removal of unsightly and inappropriate features or details; and
  - f) The retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.
- 8.6 Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. Policy HE3 relates to development affecting the setting of listed Buildings. This policy states that development will not be permitted where it would have an adverse impact on the setting of a Listed Building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.
- 8.7 Consultation has been carried out with local residents, business and interest groups regarding the proposals. Details of the responses to the public consultation process have been submitted as part of the application. Key priorities emerged through the Concept Delivery Plan.
- 8.8 The application site is an important thoroughfare for urban movements in all directions. The open spaces have great historic value and are important as being part of the setting of many listed buildings that surround the site. The existing pedestrian routes are inconsistent, and the public realm and historic open spaces are in poor condition. The Valley Gardens Conservation Area is on the Historic England 'at risk' register, partly for these reasons. As set out above, the importance of a comprehensive solution for this area is acknowledged by Policy SA3 of the City Plan Part 1.
- 8.9 There have been numerous changes to the footprint of the historic public open spaces over time, and this proposal would provide further evolution of the space, but would still retain the overall linear form of the public 3 space and its overall scale. As set out above, the amount of public open space would increase which is welcomed. The proposed layout of new pathways retains a sense of formality whilst reflecting desire lines.
- 8.10 The proposed tree planting, including the reinforcing of the avenues of Elm to the perimeter and arboretum trees more centrally, is considered acceptable. It is important that the trees are not in a position or size that would harm key views north to St Peter's Church or south towards the North Gate of the Royal Pavilion. However it appears that, in comparison to the previous application, the locations of trees have been improved and important sight lines would be retained.
- 8.11 The proposed relocation of the car parking area from immediately south of St Peter's Church to the north is considered to be an improvement from a heritage

perspective. The southern frontage and tower is the most architecturally significant element of the exterior and the approach to the church, and views, from the south are important. The relocation of the car park allows for the proposed formal hard surface square to contribute to a clear enhancement of the setting of the church. The setting of the Obelisk and Drinking Fountain would also be enhanced by the new landscaped area and square south of the church.

- 8.12 The existing path of historic York Stone to the north of the Church would regrettably be lost to the new car park access, but a small area of York Stone paving to the west entrance to the memorial hall would be retained. Following amendments to the scheme, the proposal also includes new areas of York Stone on the entrance path to the east door and in a border around the tower to the south.
- 8.13 The setting of the listed structures within the gardens (the Statue of Queen Victoria, the Statue of George IV, and two 1898 statue plinths) would generally be preserved. The proposed drawing indicates that potential for performance space and 'art-plinths' to be located in close proximity to these structures, however the drawing provides an indicative location for future temporary event space, and on this basis no significant harm to the listed structures would occur.
- 8.14 The proposed plans indicate the retention and refurbishment of the 1920s cast iron lighting columns, which is considered acceptable. Overall, subject to the compliance with the recommended conditions, it is considered that the proposals would not have a detrimental impact upon the visual amenities of the public space, the related street scenes or to the wider area, especially with regard to the surrounding Conservation Area and the setting of the nearby Listed Buildings.
- 8.15 Landscaping:  
The applicant has submitted detailed hard and soft landscaping plans. The soft landscaping includes lawned gardens, meadow garden on the west perimeter of the gardens, and rain gardens and perennial gardens on the east side. In terms of trees, avenues of Elm to the perimeter and arboretum trees more centrally are used throughout the site. In terms of hard landscaping, the footways, cycle paths and squares would consist of various shades of bound gravel.
- 8.16 The proposed improvements for pedestrians and cyclists involving a wide network of hard landscaped paths could reduce the potential for future informal/formal uses of the green. However the proposal offers of more streamlined and simple landscape layout in relation to what was set out in the previous application (BH2015/00491). It is also recognised that the space is not currently being used effectively as a park (which is its identified use in the open space studies). Given that the proposal is seeking to bring about a number of benefits set out in Policy SA3, it is considered that the proposed landscaping is in accordance with the open space policies.
- 8.17 The future maintenance of the proposal is an important factor. Without maintenance there would be concerns that the open space will fall into disrepair.

The applicant has provided a Management and Maintenance Plan, further details of which can be conditioned.

**8.18 Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan 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.

8.19 The proposed development is mostly situated of a sufficient distance away from neighbouring residential properties so as not to cause significant harm to residential amenity.

8.20 The proposed artificial lighting could have the potential to cause light pollution affecting nearby residents. The Environmental Health Team has recommended that the lighting installation complies with the appropriate lighting guidance levels.

**8.21 Sustainable Transport:**

The proposed development includes improvements to pedestrian and cycle routes through the site which is welcomed.

In terms of cycle parking, the existing St Peter's Church cycle stands would be retained, and it is noted that cycle parking would be provided on highway land outside of the site. This is considered a suitable arrangement.

8.22 The proposal includes the relocation of the church car parking area from the south side of the building as existing, to the north side of the building. This would result in the reduction in number of car parking spaces provided from 26 to 12, which are mostly used by staff and regular users of the church facilities. It is understood that the proposed number of car parking spaces provides sufficient capacity for daily users of the church. The Highway Authority have no objection and highlight that the maximum standards for a church within SPD14: Parking Standards is for disabled car parking only. Although a reduction in the number of spaces is proposed, the site benefits from being within a central and sustainable location. During the infrequent times when the church is in full capacity use, it is clear that the existing number of car parking spaces do not currently allow everyone to park on site. There are a number of alternate modes of travel available and there are alternative public car parks nearby. Given this, and taking into account the heritage benefits of relocation, and the benefits of maximising the opportunity for public open space, it is considered that the level of proposed parking provision is acceptable in this instance. The proposed level of disabled parking (three spaces) is also considered acceptable, subject to a condition for further design details.

8.23 A new vehicular access for the relocated parking to the north of the church is proposed, which would enter onto Richmond Place on the east side of the site. The new vehicular access is considered acceptable in terms of location.

**8.24 Ecology:**



The proposed soft landscaping works provide an opportunity to enhance biodiversity on the site. The applicant has submitted an Ecological Survey Report which included findings of a survey of protected species and habitats. The County Ecologist has states that this is sufficient to inform appropriate mitigation, compensation and enhancement.

8.25 The site is not subject to any designations for its nature conservation value. The features of greatest significance are the trees. Other habitats on site are of relatively low value. The existing green space offers limited opportunities for wildlife. No evidence of a bat roost was recorded. No notable nesting birds were found on the site. The survey recommends further surveys for habitats in the church, that any works to the shrubs to the north of Victoria Gardens North should take place outside the bird nesting season, and that the existing Elm trees in Victoria gardens South should be protected during works. Providing the recommended mitigation measures are carried out, the proposed development is considered unlikely to have a significant negative impact on biodiversity.

8.26 **Sustainability:**

The proposal incorporates sustainable design features, and through the landscaping works, there is an intention to reduce the 'heat island effect' and surface water run-off. The use of sustainable urban drainage systems (SUDs) including the rain gardens and biodiversity enhancements are welcomed. The features provide temporary storage to avoid local surface water flooding.

8.27 Overall it is considered that by improving health and the wider environment by making the best use of layout, landscaping and materials, it is considered that the proposal is in accordance with Policy CP8.

8.28 **Archaeology:**

The site is within an Archaeological Notification due to known Roman activity. The applicant has not submitted a heritage impact assessment, to assess the impact on the proposed development which would include digging of the land, especially in the positions of the proposed tree pits.

8.29 The County Archaeologist has recommended that the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss,. The programme of works is therefore required by condition.

**9. EQUALITIES**

9.1 The proposed car park would provide three no. disabled car parking spaces.



# **ITEM C**

**Whitehawk Clinic, Whitehawk Road,  
Brighton**

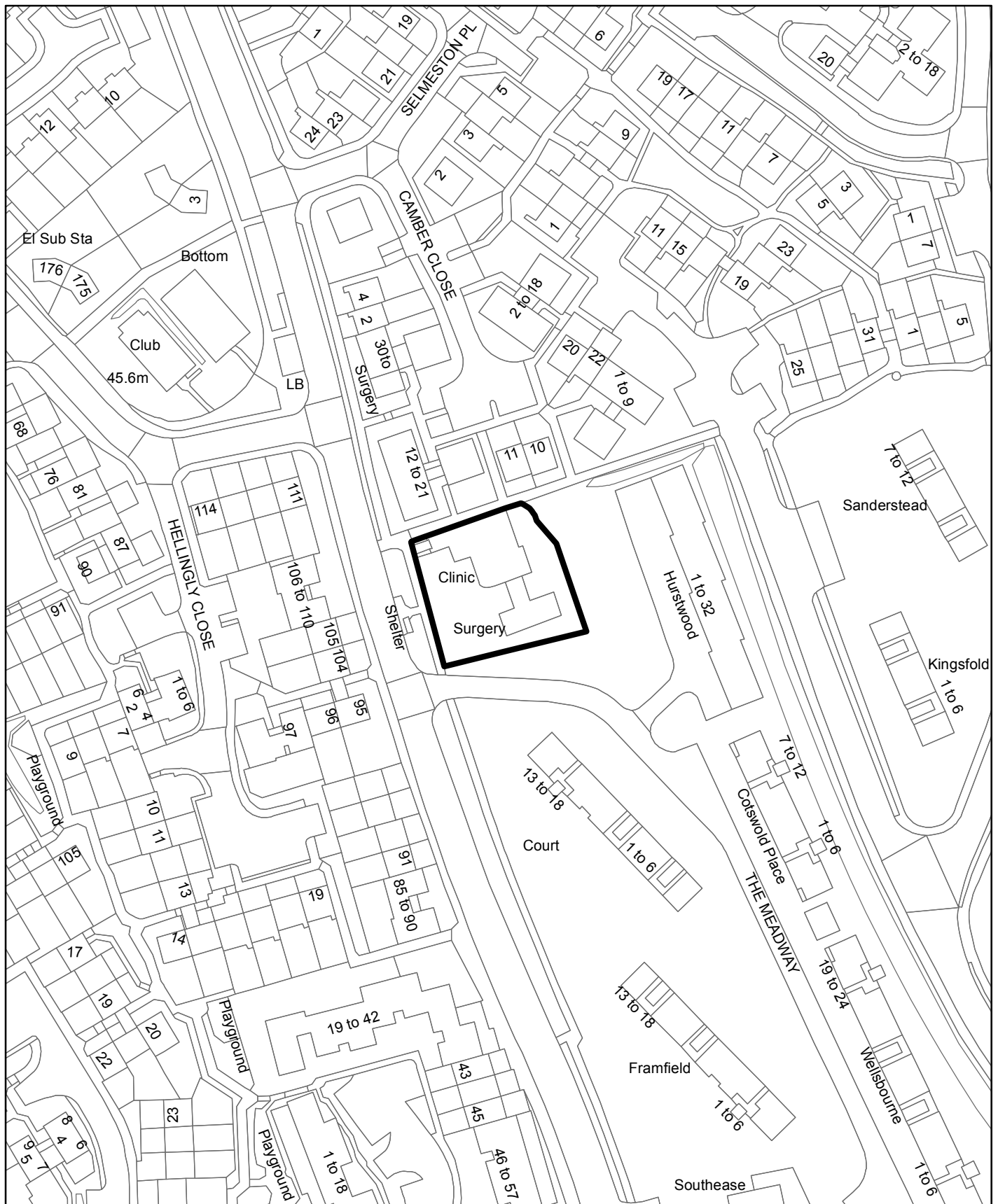
**BH2017/01665**

**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2017/01665 Whitehawk Clinic, Whitehawk Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/01665</b>	<b><u>Ward:</u></b>	<b>EAST BRIGHTON</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Whitehawk Clinic Whitehawk Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of Clinic building (D1) and erection of a 5 storey building over basement containing 38no dwellings (C3), 18no parking spaces, cycle parking and associated landscaping.</b>		
<b><u>Officer:</u></b>	Jonathan Puplett Tel 292525	<b><u>Valid Date:</u></b>	16/05/2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	27/09/2017
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Landivar Architects Limited The Work Shop Unit 3 29-42 Windsor Street Brighton		
<b><u>Applicant:</u></b>	Martin Homes C/O Landivar Architects Limited		

## 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 Conditions and Informatives as set out below:

### S106 Heads of Terms

- **40% affordable housing** (8 units for affordable rent and 7 properties for shared ownership sale, comprising 5x one-bedroom units, 7x two bedroom units and 3x three-bedroom units.)
- A contribution of **£25,668** towards secondary educational provision
- A contribution of **£12,200** towards the Council's Local Employment Scheme,
- A **Construction Training and Employment Strategy** including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A contribution of **£28,500** towards sustainable transport infrastructure improvements within the vicinity of the application site.
- A **scheme of Travel Plan measures** which should include:
  - Provision of free grants towards the purchase of a bicycle (Value of £100, one per dwelling for the first occupants of each dwelling only)
  - Provision of Brighton & Hove bus season tickets (one annual bus pass per dwelling for the first occupants of each dwelling only)
  - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each dwelling only)
  - Provide local public transport, walking and cycling maps.
- A contribution of **£91,393** towards open space and indoor sport provision.

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Floorplan	D.01		31/05/2017
Proposed Floorplan	D.02	Rev. A	13/09/2017
Proposed Floorplan	D.03	Rev. A	13/09/2017
Proposed Floorplan	D.04	Rev. A	13/09/2017
Proposed Floorplan	D.05	Rev. A	13/09/2017
Proposed Roof Plan	D.11	Rev. A	13/09/2017
Proposed Elevations	D.07	Rev. A	13/09/2017
Proposed Elevations	D.08	Rev. A	13/09/2017
Proposed Elevations	D.09	Rev. A	13/09/2017
Proposed Landscaping Plan	D.10		16/05/2017

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

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

3. Other than the balcony areas hereby approved, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) Samples of all external wall finishes (brick and zinc cladding);
- b) Full details of all hard surfacing materials;
- c) Full details of the proposed window, door and balcony treatments (materials, finishes and colours);

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

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

5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard surfacing;



- b) Details of all boundary treatments including the vehicular and pedestrian gates to the front access of the site;
- c) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part One.

6. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

7. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

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

9. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible

standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the proposed solar array to the roof of the building, and the proposed heating system for the building, have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved details and the solar photovoltaic array shall be functioning prior to first occupation of the development and shall be maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development, to ensure that the development makes efficient use of energy and to comply with Policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

13. Prior to first occupation of the development hereby permitted, details of:

- a) secure cycle parking facilities for the occupants of, and visitors to, the development;
- b) motorcycle parking area for the occupants of, and visitors to, the development;
- c) disabled car parking provision for the occupants of, and visitors to, the development;
- d) electric vehicle charging points within the car park hereby approved;

- e) details of the doors/gates/entry treatment and system for the car park hereby approved;

shall be 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 are provided and to comply with policies TR1, TR7, TR19 and QD3 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One.

14. The new vehicular crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

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

15. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- i) The phases of the Proposed Development including the forecasted completion date(s);
- ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
- iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
- iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
- v) Details of hours of construction including all associated vehicular movements;
- vi) Details of the construction compound;
- vii) A plan showing construction traffic routes;
- viii) An audit of all waste generated during construction works;

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 QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the 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.

16. No development shall take place (including demolition) until a full asbestos survey of the existing building, undertaken by a suitably qualified specialist, has been submitted to and agreed in writing by the Local Planning Authority.

The report shall set out all findings of asbestos and a proposed methodology for the safe removal of such materials. Development shall be carried out in accordance with the approved report and the development shall not be occupied until a report containing evidence to show that all asbestos containing materials have been removed from the premises in a safe manner and taken to a suitably licensed waste deposit site has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the health of neighbouring and future residents of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

17. Prior to first occupation of the development hereby permitted, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than that which is in accordance with the approved details unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a highway safety risk is not cause, to protect the amenities of the occupiers of adjoining properties, and to comply with policies TR7, QD25 and QD27 of the Brighton & Hove Local Plan.

18. 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 SU5 of the Brighton & Hove Local Plan.

19. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods, as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, June 2017 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

20. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Treeworks Specification and means for their implementation, supervision and monitoring during works;

- ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees;

No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One.

- 21. No development shall commence until details of the arboricultural consultant to be employed during construction works, in accordance with the arboricultural method statement submitted with the application, have been submitted to, and approved in writing by, the Local Planning Authority,. Such details shall include the name, employer, contact details and monitoring programme for the consultant. The development shall be implemented in accordance with the approved details. No emergency works or any variation to the approved works shall be carried out without the prior approval in writing of the Local Planning Authority.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 22. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

Informatives:

- 1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
- 3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove

House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

4. 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](mailto:permit.admin@brighton-hove.gov.uk) 01273 290729) prior to any works commencing on the public highway.

## **2. SITE LOCATION & DESCRIPTION**

- 2.1 The application site is 1044m<sup>2</sup> and is currently occupied by part single-storey part two-storey building which formerly housed a NHS clinic facility. The building is currently vacant. The building's immediate surroundings comprise grassed areas, hedging and trees. The site sits amongst mid-rise residential buildings (flats) of three to five storeys in height. There is a bus stop immediately in front of the site on Whitehawk Road. The residential buildings directly opposite the site are part two part three-storey.

## **3. RELEVANT HISTORY**

None.

## **4. THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing building and the erection of a five storey building, with set back top floor, and basement car park below. The building would contain 38 residential units comprising:
  - 25x 1-bedroom flats (66%)
  - 9x 2-bedroom flats (24%)
  - 4x 3-bedroom flats (10%)
- 4.2 15 of the proposed flats would be affordable units (8 affordable rent and 7 shared ownership) comprising:
  - 5x 1-bedroom flats (33%)
  - 7x 2-bedroom flats (47%)
  - 3x 3-bedroom flats (20%)
- 4.3 The main form of the building would be finished in facing stock brick, with the inset top floor being zinc clad. The proposed projecting balconies would have brick piers and white concrete plinths, with frameless glass balustrades. A basement car park is

proposed with a ramped vehicular access from the southern side of the building. It is proposed that the existing mature trees to the side/rear of the site would be retained. Some smaller trees to the front of the site would be removed. Landscaping is proposed in the form of a communal garden area to the rear of the site which would be bordered by new tree planting, garden areas to the southern side of the building, and tree planting along the front of the building facing on to Whitehawk Road.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

### **5.2 Neighbours:**

**Eight (8)** letters of representation have been received objecting to the application for the following reasons:

### **5.3 Design**

- The proposed building would be an ugly unsightly blot on the area.
- The proposed building would be out of keeping with surrounding buildings.
- The proposed building / development is too large / too tall.

### **5.4 Neighbouring amenity**

- Neighbouring flats would be overlooked and overshadowed by the proposed building.
- The proposed building / solar panels could reflect sunlight into neighbouring windows.
- The proposed development / its occupants could increase anti-social behaviour.
- The proposed development would cause noise / disturbance and impact upon the health of neighbouring residents.

### **5.5 Transport / Parking**

- The proposed number of parking spaces is insufficient; where will additional cars park? On street parking is in high demand and parking on the main road can block buses passing.
- The proposed development would result in additional traffic on surrounding streets.

### **5.6 Building works**

- Demolition of the existing building could disturb asbestos which would be a health risk for surrounding residents.
- The proposed building works would generate noise and dust; neighbouring windows would have to be kept closed.

### **5.7 Local Infrastructure**

- The local infrastructure (schools, GP surgeries) would not be able to cope with the additional demand which the development would create, in conjunction with other developments being built in the area.

### **5.8 Trees**

- Trees may be harmed.

#### 5.9 **Other**

- Some neighbours did not receive consultation letters.
- [N.B. 'Hurstwood residents were consulted through a public notice which is standard procedure where a building contains 15 or more units.]

5.10 **One (1)** letter has been received supporting the application but requesting that the issues relating to the Whitehawk Community Hub be addressed.

#### 5.11 **Consultees**

#### 5.12 **External**

#### 5.13 **County Archaeologist: Comment**

Based on the information supplied, does not believe that any significant below ground archaeological remains are likely to be affected by these proposals.

#### 5.14 **Southern Water: Comment**

Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

5.15 Initial investigations indicate that there are no dedicated public surface water sewers in the vicinity of the development site. Alternative means of draining surface water from this development are required.

5.16 Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. The planning application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

5.17 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.



5.18 Conditions and informatives are recommended.

5.18 **Sussex Police:** Comment

Advice on security measures is provided including-

- Access control will be a very contributing factor to creating a safe and secure environment for the development and its residents. To that effect controlled access will be required for all communal external entrances which includes; underground vehicle car park shutter / gates, pedestrian communal entrance points, pedestrian access to stairs and lifts from basement.
- The proposed use of chain link fence as a boundary fence should be re-considered as it is not a secure / robust type of boundary treatment.
- Lighting in and around the communal areas would be a very important addition and if implemented, should conform to the recommendations within BS 5489:1 -2013.

5.19 **Scotia Gas Networks:** Comment

A map of gas mains routes and standard advice is provided and the developer is reminded of their responsibilities.

5.20 **Internal**

5.21 **Planning Policy:** Comment

The principle of the loss of the former Health Clinic is supported as an exception to Policy HO20 has been broadly met. The principle of wholly residential redevelopment of the site is also supported in principle. The provision of 38 dwelling units incorporating 15 units of affordable housing (40%) would make a valuable contribution to the city's housing requirements and is to be welcomed; however, further discussion and clarity over the housing mix in terms of type, size, occupancy levels, and tenure is required, ensuring appropriate space and access standards are secured, in conjunction with an appropriate financial contribution to offset the demand for open space generated by any forthcoming development.

5.22 **Housing Strategy:** Comment

**Comments 21/07/2017 on the applications as originally submitted:**

The 15 units / 40% is welcomed but there are issues that need to be resolved to ensure the affordable housing provided best meets the council's evidenced housing needs, namely:

- Tenure split
- Size of affordable units
- Location of affordable units within the block
- Wheelchair unit provision

5.23 **Comments 17/10/2017 on the additional/amended information submitted:**

The applicant has now confirmed that the proposed affordable provision comprises:

15 units (8 affordable rent 7 shared ownership) comprising:

- 5x 1-bedroom flats (33%)
- 7x 2-bedroom flats (47%)
- 3x 3-bedroom flats (20%)

5.24 It has been confirmed that all of the affordable units would comply with the minimum sizes set out in the Council's Affordable Housing Brief.

5.25 On this basis the scheme is supported.

5.26 **Economic Development: Comment**

The loss of D1 floorspace is regrettable however it is understood that the NHS services previously delivered from the site have been relocated and the proposed residential development will contribute to the city's housing needs. An Employment Training Strategy including a commitment to 20% local labour during the demolition and construction phase of the development is required along with a £12,200 contribution to the Local Employment Scheme, calculated in accordance with current adopted Developer Contributions Technical Guidance.

5.27 **Environmental Health: Comment**

The proposal is in a built-up residential area and a Construction Environment Management Plan (CEMP) will be required. The building to be demolished may contain asbestos and a full ACM survey is needed. Additional attention to sound insulation in flats adjacent to lift motor, bin store and car park entrance. A time restriction on rubbish collections and deliveries should be secured by condition. External lighting should be designed so that glare is not a problem for neighbours; details of external lighting should be secured by condition.

5.28 **Education: Comment**

A contribution towards educational provision is required in accordance with the Council's adopted Developer Contributions Technical Guidance. The calculation of the developer contribution shows that we would usually be seeking a contribution of £44,042.40 towards the cost of primary and secondary provision if this development was to proceed. However in this instance the most local primary schools have some surplus capacity and this is anticipated to continue for the foreseeable future and therefore we will not be seeking a contributions towards primary provision for this development.

5.29 With regard to the secondary provision, the development is in the current catchment area for Longhill High School. At the present time there is surplus capacity but this is not expected to continue to be the case. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time. At the present time the council is expecting that a new secondary school for the city will open in either 2018 or 2019 and at that time it will be necessary to revisit the catchment areas in the city.

5.30 As a consequence we would be seeking a contribution in respect of secondary provision of £25,668.00 if this development was to proceed. The money would be spent at either Longhill High School or on the new secondary school.

5.31 **County Ecologist: Comment.**

5.32 **Designated sites and Protected Species**

The nearest site designated for its nature conservation interest is Whitehawk/Race Hill Local Nature Reserve (LNR) which lies c. 153m to the west. Given the nature, scale and location of the proposed development, it is considered unlikely that there will be any significant impacts on the LNR or any other sites designated for their nature conservation interest. It is noted that the large trees to the south are to be retained and incorporated into the landscaping; trees should be protected in accordance with BS5837:2012.

5.33 From the information available, the site currently comprises buildings, hard standing, amenity grassland, scattered trees, shrubs and hedgerows and is of relatively low ecological value. The biodiversity checklist submitted with the application was negative and as such, no biodiversity report is required under SPD 11.

5.34 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

5.35 The site is unlikely to support any other protected species, therefore no specific mitigation is required. If protected species are encountered during development, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.

5.36 **Mitigation Measures/Enhancement Opportunities**

In addition to the aforementioned mitigation measures, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of bat and bird boxes, use of species of known value to wildlife in the landscape scheme and green (biodiverse) roofs.

5.37 Advice on appropriate species can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used. Bird boxes should target species of conservation concern, e.g. starling, swift, swallow and house martin.

5.38 **Summary**

In summary, provided the recommended mitigation measures are carried out, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

**5.39 Sustainable Transport: Comment**

No objections to this application subject to the inclusion of the necessary conditions and the recommended S106 contribution.

**5.40 Required conditions:**

- Full details of appropriate cycle parking
- Construction of new vehicular crossover
- Full details of disabled parking provision
- Details of motorcycle parking spaces
- Details of gates / entry system to basement car park

**5.41 S106 requirements:**

- Contribution of £28,500 which shall go towards sustainable travel and public realm improvements in the vicinity of the site.
- The need to produce a Construction Environmental Management Plan (CEMP)
- The need to provide Residential Travel Information Packs for the occupant of each first residential unit which include:
  - Provision of free grants towards the purchase of a bicycle (Value of £100, one per dwelling for the first occupants of each dwelling only)
  - Provision of Brighton & Hove bus season tickets (one annual bus pass per dwelling for the first occupants of each dwelling only)
  - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each dwelling only)
  - Provide local public transport, walking and cycling maps.

**5.42 Public Art: Comment**

In this case it is considered likely that the values which could be secured via a s106 agreement for an artistic component for a development of this scale in this location would not deliver a meaningful scheme; therefore an artistic component is not sought in this case.

**5.43 Sustainability: Comment**

Energy and water consumption standards should be met and can be secured by Planning Condition. Further details should be provided of the proposed solar panels and heating system, and of the proposed landscaping (food growing).

**5.44 Flood Risk Management Officer: No comments received**

**5.45 Arboriculture: No comments received**

**6. MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

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

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7. 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
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP16 Open space
- CP17 Sports provision
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU3 Surface Water Drainage
- SU5 Surface water and foul sewage disposal infrastructure
- SU10 Noise nuisance
- SU16 Production of renewable energy
- QD5 Design - street frontages
- QD7 Crime prevention through environmental design
- QD15 Landscape design

QD16 Trees and hedgerows  
QD18 Species protection  
QD25 External lighting  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD06 Trees & Development Sites  
SPD11 Nature Conservation & Development  
SPD14 Parking Standards

Developer Contributions Technical Guidance (March 2017)

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of development, including the loss of the clinic use, density and affordable housing provision; design and appearance, standard of accommodation including housing mix and amenity space, amenity impacts; trees, landscaping and ecology; sustainable transport and sustainability.

### **8.2 Background**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a supply of 4386 units over five years which equates to a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

### **8.3 Principle of Development**

Policy HO20 of Brighton and Hove Local Plan seeks to retain community facilities. However it recognises that a site in community use may no longer be needed and specifies four exceptions that may apply which are as follows:

- a) The community use is incorporated, or replaced within a new development; or
- b) The community use is relocated to a location which improves its accessibility to its users; or
- c) Existing nearby facilities are to be improved to accommodate the loss; or
- d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

8.4 Where an exception (a-d) applies a priority is attached to residential and mixed use schemes which may provide 'live work' and/or starter business units to meet identified local needs.

- 8.5 The Appendix to the submitted Planning Statement contains a letter from the Interim Associate Director of Asset Management at Sussex Community NHS Foundation Trust, Ms Brant, dated 28th March 2017. It is stated that the clinic had been used for patient facing services until 2013, with another health service provider using the building until late 2014, at which point it was declared surplus to the Trust's needs; Ms Brant understands that the building was deemed to not be fit for purpose in terms of room sizes/specification for clinical service delivery, and may have been considered to be in the wrong location for future service needs. It is stated that no expressions of interest were received from neighbouring NHS bodies, and as such the site was declared surplus to NHS needs, and subsequently sold (it is unclear when). Ms Brant confirms that the services formerly provided via the site have since continued to be provided through alternative service delivery methods/locations, including via home visits from visiting clinicians.
- 8.6 The submitted Planning Statement also highlights various community spaces and venues located within the Whitehawk Estate in an attempt to demonstrate that the site is not needed for other types of community use (non-health service). It is not clear when the application site transferred into new ownership, and insufficient information has been submitted to demonstrate that the site is not needed with regards to the full array of potential community uses outlined in Policy HO20. E.g. no details of marketing for alternative community uses have been provided. As such, it is considered that in the absence of sufficient information, exception d. does not apply.
- 8.7 However, it is considered that exception b. of Policy HO20 is broadly satisfied, given the explanation provided in respect of the way the services previously provided on site are being provided through other means. On this basis, the principle of the loss of this D1 former Health Clinic could be considered acceptable subject to an appropriate replacement use.
- 8.8 The proposed replacement use in this case is the provision of 38 residential units including 15 affordable units. This use complies with policy HO20 and would make an important contribution to the housing needs of the city.
- 8.9 The principle of development is therefore supported in this case and detailed considerations of the proposed scheme are set out below.
- 8.10 City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited brownfield land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets a list of other criteria. These in synopsis are: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.
- 8.11 The development is 364 dph, which is a greater density than 1-21 Camber Close immediately to the north at 165 dph, and Hurstwood immediately to the east at 308 dph. There are however a number of low-rise block of flats in the vicinity of the application site and overall it is considered that the proposed building would be in

keeping with the prevailing character of the area with regard to density, scale and form.

- 8.12 Policy CP20 requires the provision of a minimum of 40% on-site affordable housing for developments of 15 or more units. In this case a fully policy compliant affordable housing provision is proposed, both in terms of tenure mix and mix of unit sizes.
- 8.13 Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Policy CP19 sets out an indication of projected demand:
- 8.14 *A demographic analysis of the demand/ need for homes in the city over the plan period 240 indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); 24% for 1 bedroom properties and 11% for four-plus bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively); while for affordable housing the majority of the requirement is likely to be for one and two bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.*
- 8.15 The development overall proposes:
- 25x 1-bedroom flats (66%)
  - 9x 2-bedroom flats (24%)
  - 4x 3-bedroom flats (10%)
- 8.16 Therefore the mix of units is skewed towards one-bedroom units in comparison to the overall needs of the city. However, as a flatted development the scheme would be expected to deliver a greater proportion of smaller units (in the same way a scheme of houses would be expected to deliver a greater proportion of larger units). The provision of 13 two/three-bedroom units is welcome and the proposed affordable provision:
- 5x 1-bedroom flats (33%)
  - 7x 2-bedroom flats (47%)
  - 3x 3-bedroom flats (20%)
- 8.17 is in accordance with the Council's affordable housing brief which sets out 30% one-bedroom, 45% two bedroom and 25% three bedroom units.
- 8.18 Overall the proposed mix of unit sizes is acceptable, and the proposed affordable housing provision in particular is a very positive element of the scheme.
- 8.19 **Design & Appearance**  
The proposed is of a character and scale broadly in keeping with the surrounding flatted developments. The proposed building would appear as a larger block, particularly compared to the buildings immediately to the north, and furthermore it is acknowledged that the existing building on the site due to its scale and footprint provides some spacing / relief between the surrounding buildings. In design terms the



loss of this spacing is somewhat regrettable, it is however clear that the proposed development would make much more effective use of the site and would deliver a significant amount of housing and affordable housing.

- 8.20 The proposed building is five storeys in height, with the top floor inset, and a basement car parking area accessed from the southern side of the building. The main form of the building would be finished in facing stock brick, with the inset top floor being zinc clad. The proposed projecting balconies would have brick piers and white concrete plinths, with frameless glass balustrades. It is proposed that the existing mature trees to the side/rear of the site would be retained. Some smaller trees to the front of the site would be removed. Landscaping is proposed in the form of a communal garden area to the rear of the site which would be bordered by new tree planting, garden areas to the southern side of the building, and tree planting along the front of the building facing on to Whitehawk Road. The submitted visuals show substantial boundary treatment planting along the street frontage boundary and along the southern boundary. This planting would be welcome particularly to the front of the building where it will screen areas of blank wall below the proposed ground floor fenestration.
- 8.21 Whilst it is accepted that the proposed building may be close to the limits of what the site can reasonably take in design terms, having regard to the relationship with surrounding buildings, overall it is considered that the development would sit well in the street scene and as a contemporary design would make a positive contribution to the character of the street and the wider area. The proposal to retain mature trees to the side and rear of the site, and to plant substantially along the boundaries of the site will add significant quality to the appearance of the scheme; the retention of trees and proposed landscaping can be secured by planning condition. The visual impact of the scheme would be acceptable and would comply with local and national planning policies which seek to secure a high standard of design.
- 8.22 **Standard of Accommodation**  
As detailed above, the proposed mix of unit sizes is considered to be acceptable having regard to the type of development which is proposed. The proposed affordable housing element complies with the Council's Affordable Housing Brief in terms of unit mix.
- 8.23 All of the bedrooms and living room/kitchens of the proposed flats would benefit from adequate natural light levels and quality of outlook. In regard to outdoor amenity space, all of the flats either benefit from a small garden area or a balcony space. A communal garden area to the rear of the building is also proposed. Cycle storage is proposed in a number of positions across the site; further details are required to ensure that cycle parking is secure and covered where appropriate. Vehicular parking is proposed at basement level for 18 cars. Refuse and recycling is proposed to the front of the building screened behind planting.
- 8.24 In regard to access standards, a lift is proposed, two wheelchair units are proposed (Units 3 and 8 at ground floor level), and all other units would be required to comply with Optional Building Regulations standards for access.

- 8.25 In regard to floorspace, all of the proposed affordable units comply with Government's minimum space standards (Technical housing standards – nationally described space standard - March 2015). Nine of the one-bedroom market units are below Government's minimum size for a one-bedroom flat with double bedroom (50m<sup>2</sup>) by 3-6m<sup>2</sup>. One of the two-bedroom market units is below Government's minimum size for a two-bedroom flat with double bedrooms (70m<sup>2</sup>) by 7m<sup>2</sup>. It is disappointing that all of the units do not meet Government's minimum size, the Council does not however, at this time, have a policy requiring strict compliance with these minimum sizes and such there is some leeway for flexibility to be applied.
- 8.26 In this case the application proposes 38 residential units and a 40% fully policy compliant affordable housing element, furthermore all of the affordable units comply with Government's minimum size standards. These matters weigh in favour of the proposal and considered overall, having regard to the benefits of the proposed scheme, a number of market units falling below minimum size does not in this case warrant the refusal of planning permission.
- 8.27 Overall therefore it is considered that the proposed development would provide an acceptable standard of accommodation / amenity, in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.28 It is noted that the Environmental Health Officer has suggested conditions to secure soundproofing measures beyond those which would be secured through building regulations, in this case however no unusual elements or mixed use are proposed; a lift and car parking area are proposed, these are however typical of residential development and it is considered that standard Building Regulations requirements would adequately address such matters.
- 8.29 **Impact on Neighbouring Amenity:**  
The proposed building is of a significant scale in comparison to the existing buildings on the site, and the development would therefore have the potential for significant impact upon neighbouring amenity. A Daylight, Sunlight and Overshadowing Report has been submitted to demonstrate the likely impact of the proposed development in these regards.
- 8.30 The closest neighbouring dwellings to the site are:
- Dwellings opposite the site to the west on Whitehawk Road;
  - Lichfield Court to the south of the site;
  - Hurstwood to the east of the site;
  - Nos 10, 11 and 12-21 Camber Close to the north of the site.
- 8.31 Whilst it is acknowledged that the building would alter the outlook and view from the properties to the west, south and east, and will result in additional windows facing these dwellings, it is considered that adequate spacing would remain to ensure that significant harm would not be caused. The distance retained from these buildings would be in excess of 20 metres in all cases.

- 8.32 The neighbouring properties to the north of the site are therefore of greatest concern.
- 8.33 The side windows of the front building at 12-21 Camber Close are secondary windows for living rooms which have main windows facing onto Whitehawk Road; the impact upon these windows are not therefore of significant concern.
- 8.34 The submitted report demonstrates that the windows and gardens of nos. 10 and 11 Camber Close, which face onto the site, would experience some additional overshadowing but would not suffer significant harm, as the footprint of the proposed building steps back in front of these properties.
- 8.35 The windows at ground and first floor of the rear block at 12-21 Camber Close, set approximately 11 metres away from the proposed building, and the garden in front of this block, will suffer a loss of daylight. Table 5.2 (page 6) in the submitted report sets out that taking into account the tree in the garden of the property, four windows would have their Vertical Sky Component reduced from existing values ranging 27.9 to 33.8, to resultant values of 17.7 to 25.0. These resultant figures represent a reduction in comparison to the existing situation of more than 20%, and are resultant figures below 27%. These reductions are beyond the current guidelines set out by BRE (Littlefair, P. (2011) *Site Layout Planning for Daylight and Sunlight A Guide to Good Practice* Second Edition).
- 8.36 An Annual Probable Sunlight Hours analysis, Table 5.3 (page 7) sets out that main living rooms of these units would continue to receive high levels of sunlight due to their southerly orientation, furthermore this analysis does not take into account the existing tree in the garden which would, as existing, block some sunlight, meaning the impact of the proposed development in this regard may in fact be less noticeable than the analysis indicates.
- 8.37 The garden of this property which serves the ground floor unit would see the direct sunlight which it receives reduced, particularly in the middle of the day where between 12.00 and 14.00 the proportion of the garden receiving direct sunlight would be close to zero (Table 5.5 page 8). Again however, this does not take into the existing tree which in reality already provides significant shading, therefore in reality the increase in overshadowing in comparison to the existing situation would be significantly less than the analysis indicates.
- 8.38 Overall in regard to overshadowing and daylight, it is acknowledged that an increased impact will occur to the rear block of no. 12-21 Camber Close in particular, however taking into account all factors it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.
- 8.39 In regard to overlooking, the proposed 11 metre distance between the new building and the rear block at 12-21 Camber Close is not ideal, however there are only four windows proposed to the main body of the new building in this location, and those windows have been sited to face between the two neighbouring blocks, so would not result in direct overlooking.

8.40 In regard to the nature of the proposed residential use, and the levels of activity, comings and goings, use of outdoor spaces it would cause etc., the proposed development would be in keeping with the character of the surrounding flatted development and would be unlikely to cause significant harm in this regard.

8.41 Overall it is considered that significant harm to neighbouring amenity would not be caused and that the scheme would comply with policy QD27.

#### 8.42 **Trees, Landscaping & Ecology**

There are no protected trees on the application site. As detailed above it is proposed that the larger mature trees in situ to the side and rear boundaries would be retained. The location of these trees are confirmed in the submitted layout drawings and whilst they would be sited in relatively close proximity to the proposed building it is considered that the trees could be protected during construction works and retained thereafter. It is recommended that full details of tree protection measures be secured by condition. Some smaller trees to the front of the site would be removed, this is regrettable but would be successfully mitigated by the planting of new trees to the front boundary of the site and around the communal garden area to the rear of the building.

8.43 The proposed landscaping scheme as indicated in the submitted landscape plan and visuals is of a high standard; it is recommended that full details and implementation of these measures be secured by condition.

8.44 In regard to ecology, the application site falls within the South Downs Way Ahead Nature Improvement Area, which incorporates part of the urban area, the urban fringe, the seafront and surrounding downland. Policy CP10 seeks to ensure that development within the NIA delivers measurable biodiversity improvements. The County Ecologist has commented upon the application and considers that;

- The site is unlikely to contain protected species but should such species be encountered during construction works, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed. Bird nesting season (March to August) should be avoided.
- It is noted that the large trees to the south are to be retained and incorporated into the landscaping; trees should be protected in accordance with BS5837:2012.
- The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of bat and bird boxes, use of species of known value to wildlife in the landscape scheme and green (biodiverse) roofs.

8.45 It is recommended that a scheme of ecological improvements as set out in the County Ecologist's comments be secured by condition to ensure compliance with policy CP10 and the guidance set out in SPD11. In addition, a contribution towards open space including semi-natural / natural open space is to be secured by s106 agreement.

#### 8.46 **Sustainable Transport**

The proposed residential use would clearly generate journeys to and from the site and vehicular trips in the vicinity of the site. It is however noted that the existing / previous clinic use would also have generated such trips. The trip generation which would be created warrants a contribution to sustainable transport infrastructure in the vicinity of the site, and Travel Plan measures, as set out in sections 1 and 10 of this report.

8.47 The proposed development would generate a demand for residential parking which the previous use would not have done. Parking is proposed in a basement car park to provide 18 parking spaces, two of which are intended as disabled spaces. Access to the car park would be via an electric gated system, details of which it is recommended be secured by condition. The Transport Officer projects that, based upon census data, a development of this scale in this location would have between 18 and 26 vehicles associated with it on average. On that basis it is considered that the proposed development would not result in a harmful level of overspill parking and neighbouring amenity would not be harmed to a significant degree.

8.48 Cycle parking is proposed in the basement level car park and at ground floor level in various locations. In this case to comply with guidance 55 spaces are required to comply with adopted guidance (SPD14), and in general it is required that accessible, secure and ideally covered cycle storage be provided. To ensure that adequate and appropriate storage is provided it is recommended that full details of cycle parking provision be secured by condition.

8.49 Overall, the scheme is considered acceptable in regard to transport considerations subject to the s106 requirements and conditions set out in section 1 of this report.

8.50 **Sustainability and drainage**

In accordance with Policy CP8 the proposed residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. An installation of solar thermal and photovoltaic panels to the roof of the building is proposed; full details of this array its implementation, along with the proposed heating system for the building are recommended to be secured by planning condition.

8.51 In regard to drainage, a sustainable Drainage Assessment Report has been submitted which sets out proposals for surface water drainage strategies. Foul water drainage will require connection to existing infrastructure. It is recommended that full details of drainage measures and their implementation be secured by planning condition.

**9. CONCLUSION**

9.1 The proposed development would provide 38 residential units including a fully policy compliant provision of 15 affordable units. The standard of accommodation the proposed units would provide is good in most cases and acceptable in all cases. The units would benefit from private garden areas or balconies, a communal garden area, basement car parking and cycle parking.

- 9.2 The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street scene and would have a positive visual impact.
- 9.3 The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure:
- Disabled parking and cycle parking provision, and travel plan measures;
  - Sustainable transport infrastructure Improvements;
  - Compliance with energy and water consumption standards and access standards;
  - Solar photovoltaic panel array and solar thermal heating system;
  - A full landscaping scheme and scheme of ecological improvements;
  - Contributions towards educational provision, open space / sports provision, and the Council's Local Employment Scheme.
- 9.4 The scheme would result in the loss of the community use of the site which is regrettable however the case put forward in this regard represents an compliance with one of the exceptional circumstances set out policy HO20, namely that the services which were being delivered from the site are now being delivered through other means / sites. It is acknowledged that some of the proposed residential units (market housing) are below minimum size, and whilst it is considered that significant harm to neighbouring amenity would not be caused, it is acknowledged that additional overshadowing of some properties would be caused.
- 9.5 Overall, whilst some deficiencies in the scheme have been identified and fully assessed, it is considered that the scheme would deliver substantial benefits and that the concerns identified do not warrant refusal in this case. Approval is therefore recommended subject to the conditions and s106 requirements set out in sections 1 and 10.

## **10. EQUALITIES**

- 10.1 The scheme provides 40% affordable housing with a policy compliant mix of tenures and unit sizes. Conditions are recommended to secure 10% of affordable units and 5% of units overall as wheelchair accessible (i.e. 2 units), the remaining units to be constructed to optional Building Regulations access standards.

### **10.2 Developer Contributions**

- 10.3 **Sustainable Transport:** Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of Travel Packs and an £28,500 contribution to sustainable transport infrastructure to be allocated towards the following:

- Public transport improvements to the St David's Hall bus stops on Whitehawk Way and pedestrian improvements within the local vicinity including to shops and local amenities on Whitehawk Road and to the local schools, library and pharmacy on Whitehawk Road.

- A scheme of Travel Plan measures which should include:
  - Provision of free grants towards the purchase of a bicycle (Value of £100, one per dwelling for the first occupants of each dwelling only)
  - Provision of Brighton & Hove bus season tickets (one annual bus pass per dwelling for the first occupants of each dwelling only)
  - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each dwelling only)
  - Provide local public transport, walking and cycling maps.
  
- 10.4 **Education:** Based upon the current adopted Developer Contributions Technical Guidance and established formulae, £25,668 towards:
  - Secondary education which will be allocated to Longhill School or new secondary provision which is planned to come forward.
  
- 10.5 **Open space and indoor sport:** Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £91,393.
  - *Awaiting confirmation of identified spends.*
  
- 10.6 **Local Employment scheme:** Based upon the current adopted Developer Contributions Technical Guidance, £12,200 plus a commitment to 20% local employment for the demolition and construction phases.





# **ITEM D**

**Car Park And The Bridge Community  
Education Centre, Former Falmer High  
School, Lucraft Road, Brighton**

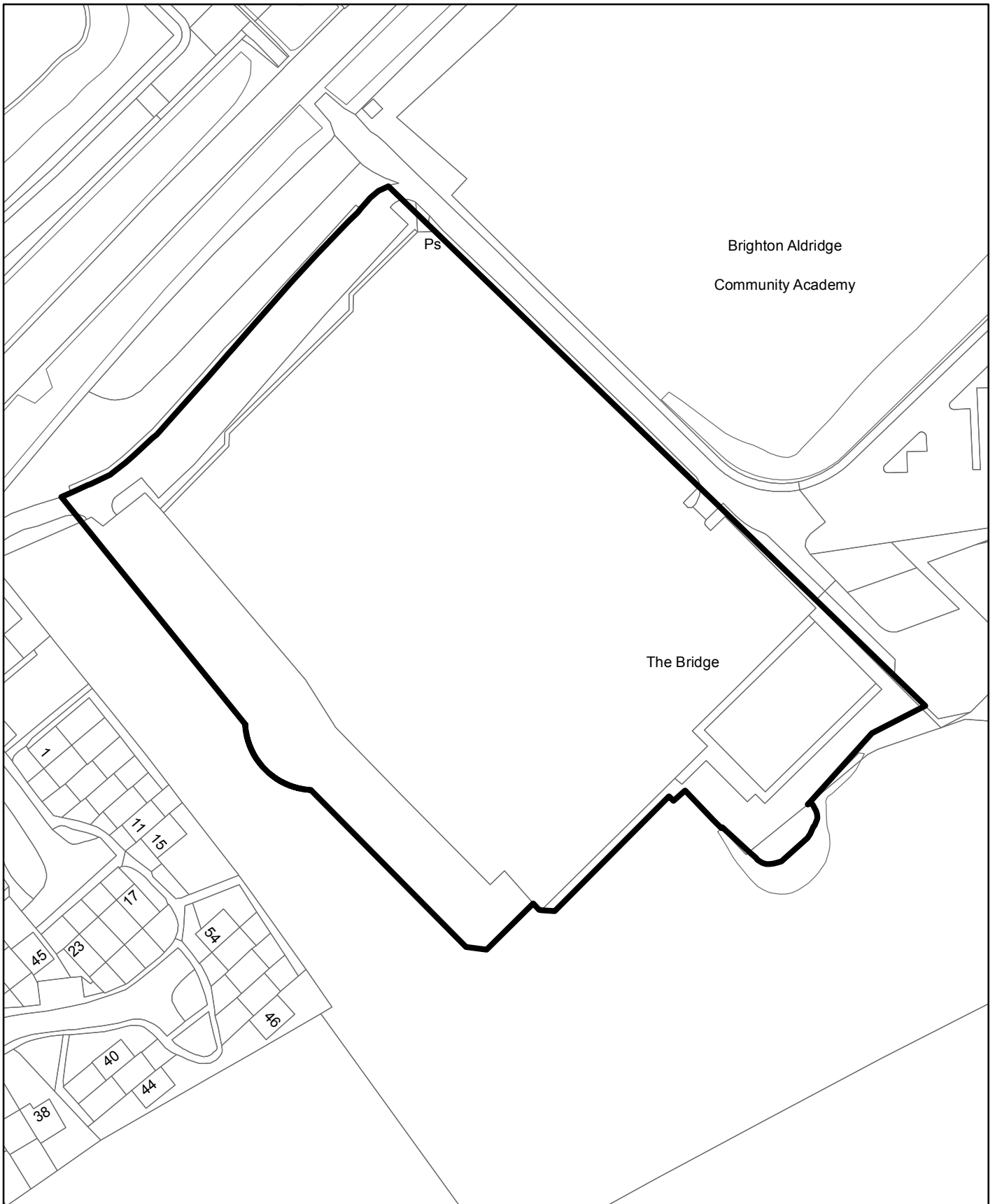
**BH2016/05107**

**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2016/05107 The Bridge Community Centre, Lucraft Road, Brighton



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/05107</b>	<b><u>Ward:</u></b>	<b>Moulsecomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Car Park And The Bridge Community Education Centre Former Falmer High School Lucraft Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Use of existing car park in connection with events taking place at the American Express Community Stadium and retention of existing building accommodating The Bridge Community Education Centre for a temporary period of 4 years.</b>		
<b><u>Officer:</u></b>	<b>Chris Swain, tel: 292178</b>	<b><u>Valid Date:</u></b>	<b>27.07.2017</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>26.10.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	<b>15.11.2017</b>
<b><u>Agent:</u></b>	<b>Mr Peter Rainier Gainsborough House Pegler Way Crawley RH11 7FZ</b>		
<b><u>Applicant:</u></b>	<b>Mr Martin Perry Village Way Brighton BN1 9BL</b>		

## 1. RECOMMENDATION

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

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
Reason: For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	002		31 August 2016
Site Layout Plan	110	B	31 August 2016
Existing Floor Plans	103	C	31 August 2016
Existing Elevations	301	C	31 August 2016
Lighting scheme	SP5982- LD02205/04	A	23 October 2017

2. The development hereby permitted shall not be continued beyond 4 years after the date this planning permission is granted whereby the land shall be restored in accordance with a restoration scheme to be submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall include details of the timeframe for the restoration works.

**Reason:** As the structure and operational use hereby approved is not considered suitable as a permanent form of development, permission is granted for a temporary period only and in accordance with policy QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

3. The existing building shall be permanently retained for use by The Bridge Community Education Centre until the expiry of this planning permission.

**Reason:** In order to ensure that accommodation is provided for The Bridge Community Education Centre and that there is no loss of community facilities and to comply with Policy HO20 of the Brighton & Hove Local Plan.

4. The number of times the car park hereby approved shall be used in connection with the American Express Community Stadium shall not exceed 50 times in any 12 month period. At all other times, the car park shall not be used for any other purpose apart from parking in connection with The Bridge Community Education Centre, and parking for The Bridge Community Education Centre shall not exceed the use of 10 of the standard car parking spaces at any one time, and 3 disabled parking spaces.

**Reason:** The application has been assessed on the basis of the maximum number of times it could be used as being 50 times in any 12 month period.

Any increased frequency of use has not been considered in terms of its impact on the local highway network and highway safety and neighbouring amenity, and in relation to policies TR7, TR19 and QD27 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

5. The car park hereby approved shall not be used for private or taxi drop off in connection with events at the American Express Community Stadium.

**Reason:** In order to limit the number of vehicles within the car park and using the tunnel under the railway-line from the A270, to those vehicles which are which are parking within the car park hereby approved and to comply with policy TR7 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

6. The number of vehicles parked within the car park at any one time shall not exceed 680.

**Reason:** In order to prevent block parking on the site and to ensure that a fire appliance would be able to access the site in a safe manner if needed in an emergency and to comply with policies TR7 and TR18 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

7. Three disabled parking spaces shall be laid out in accordance with the approved plans and shall be made permanently available to users of the Bridge Community Education Centre retained as such thereafter until the expiry of this planning permission.

**Reason:** In order to ensure that there disabled parking spaces are provided for The Bridge Community Education Centre and to comply with policy TR18 of the Brighton & Hove Local Plan policy CP9 of the Brighton & Hove City Plan Part One.

8. When the car park is used in connection with the American Express Community Stadium, the only vehicular access and egress shall only be via the A270 and tunnel under the railway-line and shall not be via Lucraft Road.  
**Reason:** In order to prevent the use of Lucraft Road by vehicles and to prevent noise and disturbance to nearby residents as a result of vehicles using Lucraft Road plus other residential roads within Moulsecoomb and to comply with policies TR7 and QD27 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.
  
9. The car park hereby approved shall be operated in line with the Stewarding Plan included within the current Travel Management Plan for the stadium; which is expected to be submitted in advance of each football season. The Stewarding Plan shall include details of the stewarding for match days and other non-match event days. The use and management of the car park shall be implemented fully in accordance with the approved details.  
**Reason:** To ensure the safe access and egress of vehicles to the site and to reduce conflict with pedestrians and cyclists and to protect the residential amenity of surrounding residents and to comply with City Plan Policy CP9 and Local Plan Policy TR7 and QD27.
  
10. On match days, the car park hereby approved shall only be made available to spectators attending a match at the American Express Community Stadium, who have purchased a pre-paid ticket to park in the car park.  
**Reason:** In order to restrict vehicular trips to the car park and surrounding area and to comply with policies TR7 and QD27 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.
  
11. A minimum of 24 disabled car parking spaces shall be provided for and retained at all times.  
**Reason:** In order to ensure that there disabled parking spaces are provided for American Express Community Stadium and to comply with policy TR19 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.
  
12. Unless otherwise agreed in writing with the Local Planning Authority, the car park hereby approved shall only be in use between the hours of 7am and 11.30pm.  
**Reason:** In order to protect the amenity of nearby residents and to minimise noise pollution in compliance with policies SU10 and QD27 of the Brighton & Hove Local Plan.
  
13. The site lighting should be maintained in accordance with the details set out in drawing SP5982-LD02205/04 Rev A, the Evolo 2 Lighting Catalogue and the Sapphire 1 Lighting Catalogue received on 23 October 2017 and shall be retained as such thereafter until the expiry of this planning permission.  
**Reason:** In the interests of residential amenity and the visual amenity of the South Downs National Park and to ensure that the lighting does not negatively impact on bats, and to comply with policies SU9, QD18, QD26 and QD27 of the Brighton & Hove Local Plan and policy CP10 of the Brighton & Hove City Plan Part One.

14. The latest Travel Guide as produced by the applicant, advising users of the car park that the most appropriate route when travelling from the west on the A27 will be via the Hollingbury junction rather than the B2123 junction, shall be provided and available to all car park users as necessary.  
Reason: In order to reduce the use of the A27/B2123 junction and to comply with policy CP9 of the City Plan Part One and TR7 of the Local Plan.
15. Apart from the 9 lighting columns on the perimeter of the car park, and the one floodlight within the car park which is directly to the north west of the temporary building, no other floodlights within the car park shall be illuminated except for the times when the car park is in use by the American Express Community Stadium.  
**Reason:** In the interests of visual amenity of the South Downs National Park and to ensure that the lighting does not negatively impact on bats, and to comply with policies SA5 and CP10 and of the Brighton & Hove City Plan Part One.
16. Unless otherwise agreed in writing by the Local Planning Authority, all lighting columns within the site shall only be illuminated between the hours of 7am to 11.30pm.  
**Reason:** In the interests of visual amenity of the South Downs National Park and to ensure that the lighting does not negatively impact on bats, and to comply with policies SA5 and CP10 and of the Brighton & Hove City Plan Part One.
17. Three Sheffield stands shall be in situ and available at all times during the full duration of this planning permission for users of the Bridge Community Education Centre.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
18. The use of this car park hereby approved plus the use of the adjacent Brighton Aldridge Community Academy site, for parking to serve the American Express Community Stadium, shall not exceed 1,000 car parking spaces at any one time.  
**Reason:** The application has been assessed on the basis of no more than 1,000 cars being parked on the two sites and no more than 1,000 cars accessing the site from the A270 via the railway-bridge, and an increased number of trips has not been considered in terms of the impact on the local highway network and highway safety and neighbouring amenity, and in relation to policies TR1, TR7, TR19 and QD27 of the Brighton & Hove Local Plan and policy 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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The Former Falmer High School site consists of an existing parking area with a flat roofed building to the south of the site which is in use by the Bridge Community Educational Centre.
- 2.2 The site is to the north east of Egginton Close, to the south east of the A270 and the railway-line and to the west of the new Brighton Aldridge Community Academy School. Vehicular access to the site is via Lucraft Road and via a tunnel under the railway-line from the A270.
- 2.3 The south eastern boundary of the site adjoins the South Downs National Park. The Westlain Plantation Site of Nature Conservation Importance and ancient woodland adjoins the south western boundary of the site and is near to the south eastern boundary. Located just beyond the south eastern boundary is an Archaeologically Sensitive Area.
- 2.4 There is one beech tree on the centre of the site which is protected by a Tree Preservation Order.
- 2.5 Planning permission is sought for the use of the existing car park in connection with events taking place at the American Express Community Stadium and retention of existing building accommodating The Bridge Community Education Centre for a temporary period of 4 years.
- 2.6 The car park consists of 680 spaces including 24 disabled spaces for spectators / users of the stadium and 3 disabled spaces for the community centre.
- 2.7 The entrance to the car park is controlled with a barrier. Access to the carpark would be via the A270 and the tunnel under the railway not via Lucraft Road.
- 2.8 The existing building to be retained is fabricated in nature and consists of grey natural marble ship panels on the lower part of the building with white aluminium weather-lap cladding on the upper part. The roof consists of grey Torflex panels whilst windows are double glazed aluminium.

## **3. RELEVANT HISTORY**

### **3.1 Falmer High School Site**

**BH2012/00384** - Construction of a temporary car park (4 years) accommodating 680 parking spaces and accessed via the A270 junction and existing tunnel under the railway-line, for use up to 50 times in any 12 month period in connection with events taking place at the American Express Community Stadium, along with erection of a temporary building (4 years) to accommodate The Bridge Community Education Centre. Approved 02/05/2012

**BH2012/00455:** Prior approval for the demolition of Former Falmer High School

Buildings. Approved 10/04/2012.

**BH2009/01729:** Application for partial demolition of Falmer High School (including the North Block, Canteen, Kitchen and Caretaker's flat) and construction of new Academy complex (Class D1), including sports hall, dining hall, performance areas, adaptable teaching spaces, caretaker's flat and communal space, along with a floodlit Multi Use Games Area (MUGA) and full size all weather playing pitch, and associated car and cycle parking, educational wind turbine, energy centre incorporating renewable technologies, landscaping and temporary construction access. Approved 16/10/2009.

**BH2008/00980:** Outline Application for partial demolition of existing school (locally known as North Block) and construction of a new academy complex (Class D1) with associated car parking and landscaping. Approved 18/06/2008.

#### AMEX Community Stadium site

**BH2011/03861** - Application for variation of conditions 39 and 43 of approved planning application BH2001/02418 and variation of conditions 35 and 38 of approved planning application BH2008/02732. Condition 39 of application BH2001/02418 and condition 35 of application BH2008/02732 seek to reduce the minimum number of car parking spaces from 2000 to 1500 and increase the maximum number from 2200 to 3000 and to read as follows - " Unless otherwise agreed in writing with the Local Planning Authority, no use of the Stadium for Outdoor Events shall occur unless a minimum of 1500 car parking spaces and a maximum of 3,000 car parking spaces at Sussex University and land at the former Falmer High School or at alternative locations within 1.5km of the Stadium as shown on the car parking plan within Document 6 of the Addendum to the Transport Assessment (Appendix 2.1 of Environmental Statement) which was received on the 15 March 2012, are made available for use by persons attending the said Outdoor Event. Any proposed change to the approved aforementioned parking would need to be submitted to and approved in writing by the Local Planning Authority." Condition 43 of application BH2001/02418 and condition 38 of application BH2008/02732 seek to increase the maximum number of people in attendance from 22,500 to 30,750 (additional 8,250) and to read as follows - "No event shall take place at the Community Stadium with an attendance in excess of 30,750 people". Approved 10/04/2013.

**BH2001/02418FP:** A Community Stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food and road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School. Approved 23/07/2007.

## **4. REPRESENTATIONS**

- 4.1 One letter of representation has been received from the Bridge Community Education Centre supporting the scheme, stating that the car park is essential for the service that they provide.

One general comment has been received outlining that whilst there is no objection to the application there are concerns about safety with vehicular traffic using the arch under the railway noted. It is recommended that the arch under the railway should be pedestrian only (a drop down bollard could be installed so that for emergency or other such need, vehicles could pass) or in the event that vehicles are allowed to continue to use the arch, that it should be only one-way and south bound, due to the high risk of an accident occurring when traffic comes through the arch north-bound and towards the A27.

## **5. CONSULTATIONS**

### **5.1 Sustainable Transport: No objection**

The Highway Authority has no objections to the temporary extension of use for a 4 year period of the Bridge Community Centre car park when events are taking place at the AMEX Stadium, subject to the inclusion of the previously required conditions on planning permission BH2012/00384 to be included on any new permission granted.

### **5.2 Comments from previous application (BH2012/00384)**

#### **General**

This application contains little material on sustainable transport but is only to be implemented as parking for the stadium and the wider approvals attached to the stadium will ensure that sustainable transport considerations are addressed. The access arrangements to the retained land have been agreed as part of the main existing stadium consent.

### **5.3 Parking**

The number of general parking spaces is acceptable as it is carried forward from the original stadium consent. The TA refers to the opportunity to increase the number of spaces that are provided through the implementation of a block parking arrangement, but this may cause a fire hazard and should be prevented by condition unless agreed in writing by ESFRS.

**5.4** In order to provide disabled parking for the stadium expansion in proportion to that approved with the original consent, there should be an increase of 35 spaces, from 122 to 167, provided with the stadium expansion. The retained land which is the subject of this application is the only site at which extra disabled parking is proposed and the intention is to provide only 24 stadium related spaces. This under provision should be resolved by a condition requiring the implementation of approved plans providing an increase to 35 spaces. The arrangements for travel by mobility impaired people to the stadium are not clear in the submission and a condition should also be attached requiring the submission of details for approval on this. This should include provision of a disabled access ramp if required.

**5.5** A draft management plan for operation of the parking and access arrangements on match days has been submitted with the application and the agreement of a complete plan should be required prior to use of the car park by condition. SPG4 indicates that the Bridge facility needs at least 3 cycle and 3 disabled spaces and the provision proposed is at or above these requirements. The management

plan referred to above should set out how these spaces will be reserved if required on match days. Also a condition should be attached to any consent requiring the implementation of revised and approved plans providing for the cycle stands to be covered.

5.6 Highways impact

It has been successfully demonstrated with reference to current match day counts and the trip generation estimates accepted as part of the original stadium application that the amount of traffic at the Lewes Road/ Stonymere Way/ BACA access road junction will not exceed that expected at the time of the original stadium consent.

5.7 **Highways England: No objection**

There is no objection subject to a condition which states that the most appropriate route when travelling west on the A27 would be via the Hollingbury junction rather than the B2123 junction and the publicity material should set this out.

**6. MATERIAL CONSIDERATIONS**

6.1 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

6.2 The development plan is:

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

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

**7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban Design

DA3 Lewes Road Area

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

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
TR15 Cycle network  
TR18 Parking for people with a mobility related disability  
SU3 Water resources and their quality  
SU5 Surface water and foul sewage disposal infrastructure  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD17 Protection and integration of nature conservation features  
QD18 Species protection  
QD26 Floodlighting  
QD27 Protection of Amenity  
HO20 Retention of community facilities  
SR16 Major sporting and recreation facilities  
SR22 Major sporting venues

Supplementary Planning Documents:

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

Planning Brief: Falmer Released Land

**8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, policy compliance, design and appearance, impacts on amenity, sustainable transport and sustainability.
- 8.2 **Principle of development / Planning History**  
The principle of a car park with up to 1000 spaces at the former Falmer School site was established through the original Community Stadium planning permission in 2001.
- 8.3 In 2012 an application (BH2012/00384) for the construction of a car park accommodating 680 parking spaces for use with events taking place at the American Express Community Stadium, along with erection of a temporary building to accommodate The Bridge Community Education Centre was approved for a temporary period of four years.
- 8.4 Issues relating to design, amenity, ecology, archaeology, drainage, land contamination, sustainable transport and sustainability were carefully considered as part of the assessment of the 2012 application.

- 8.5 A temporary planning permission was considered appropriate on the site so as not to prejudice a comprehensive mixed-use redevelopment of the site coming forward in the future.
- 8.6 The development and operational use was subsequently implemented with the temporary planning permission expiring in May 2016 after 4 years.
- 8.7 The site is currently still being used for match day parking and the temporary building is still in situ and in operation in breach of planning permission.
- 8.8 The current application is for a further temporary permission for car parking in association with the community stadium and for the retention and use of the existing community building for a period of 4 years.
- 8.9 Since the previous scheme was granted the City Plan Part One has been adopted. Policy DA3 includes the site (Falmer Released Land, Former Falmer High School) as one of three specific site allocations.
- 8.10 Policy DA3 sets out that the site is allocated for redevelopment for some or all of a range of uses including housing, purpose built student accommodation, office (B1) and / or educational use. Redevelopment should include a car park related to the American Express Community Stadium and the provision, on or off site, of permanent accommodation for the Bridge Community Education Centre and for Brighton Aldridge Community Academy's Pupil Referral Unit.
- 8.11 Notwithstanding the aims of DA3 and the specific site allocation it is considered that whilst a permanent planning permission solely for the car park and community building would not be acceptable, the granting of a temporary planning permission for a period of 4 years is considered to be appropriate use of the land and would not prejudice future redevelopment of the site in accordance with DA3.
- 8.12 Overall, changes to the site constraints and planning policy have been carefully considered and the general principle of the scheme for a temporary period is considered to be acceptable.
- 8.13 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan 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 occupiers.
- 8.14 The original planning permission had a number of conditions relating to hours of use, lighting and access arrangements in order to minimise noise and disturbance and light pollution. These conditions will be carried over to any new planning permission in order to protect amenity.
- 8.15 **Sustainable Transport**  
The car park has been in operation for over 4 years. The Highways Officer and Highways England have no objection to another temporary planning permission

for a further 4 years subject to the inclusion of the previously required conditions relating to transport and as such the proposal is considered to be acceptable in this regard.

**8.16 Other Considerations**

The impacts on ecology, water protection and impacts on the South Downs National Park are all considered to be acceptable in accordance with development plan policies.

**8.17 Conclusion:**

The retention of parking is required to enable the continued operation of the community stadium. The community facility will be retained on the site, and it is not considered that the proposals would jeopardise the longer term development aspirations for the site. The development would not harm the setting of the National Park, and subject to conditions would not have an adverse impact on the local highway network, neighbouring amenity or ecology.

**9. EQUALITIES**

9.1 24 disabled parking spaces are allocated for use by the Community Stadium and a further 3 disabled parking spaces are allocated for use by the Bridge Community Education Centre.





# **ITEM E**

**Lansdowne Place Hotel, Lansdowne Place,  
Hove**

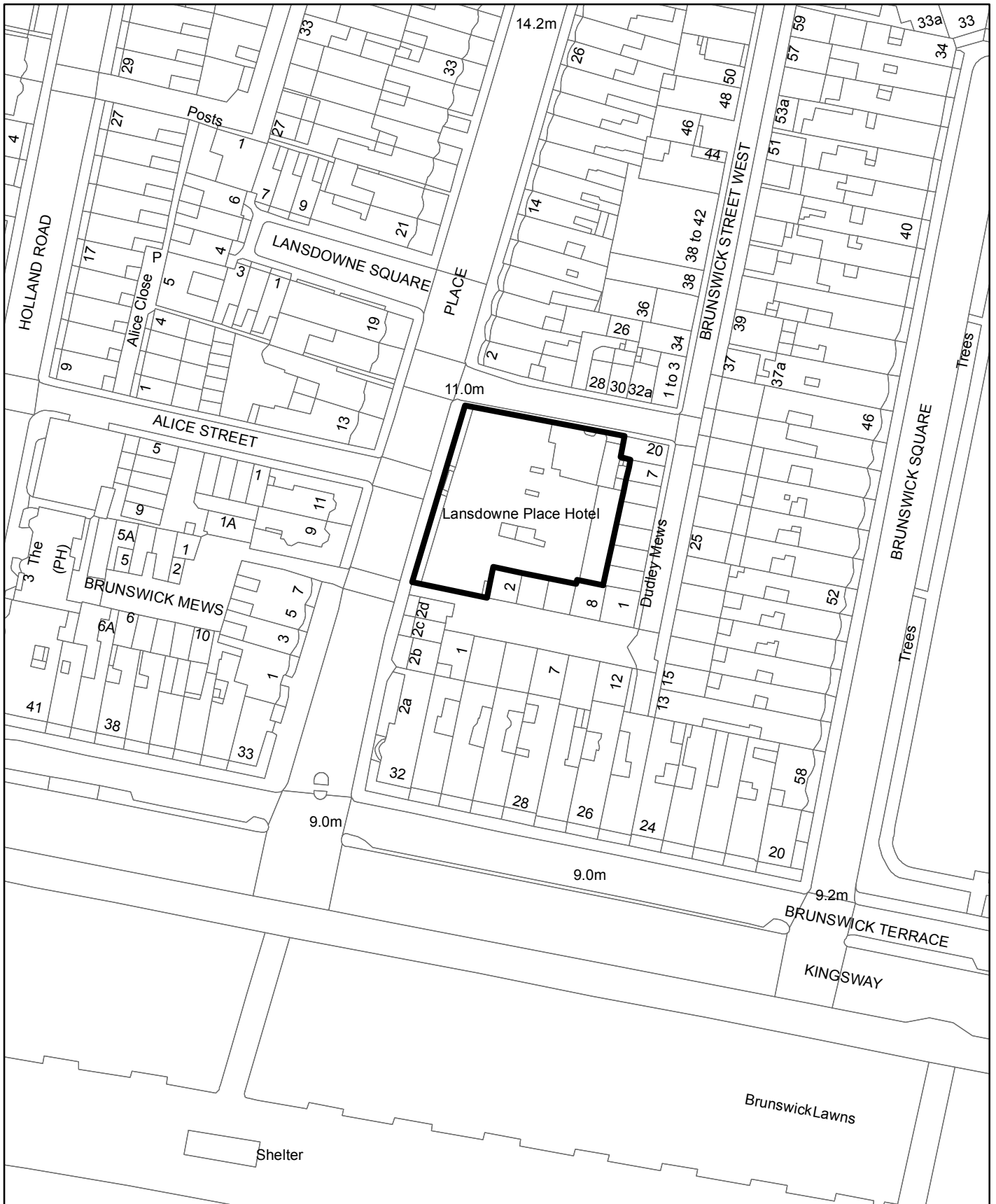
**BH2017/01817**

**Removal Or Variation Of Condition**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2017/01817 Lansdowne Place Hotel, Lansdowne Place, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/01817</b>	<b><u>Ward:</u></b>	<b>Brunswick And Adelaide Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Lansdowne Place Hotel Lansdowne Place Hove BN3 1HQ</b>		
<b><u>Proposal:</u></b>	<b>Variation of condition 3 of application BH2014/00093 (Part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert existing hotel (C1) to 47no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works. (Revised Design)) to allow amendments to approved drawings.</b>		
<b><u>Officer:</u></b>	<b>Charlotte Bush,</b>	<b>tel:</b>	<b><u>Valid Date:</u> 23.06.2017</b>
	<b>292193</b>		
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>22.09.2017</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	<b>15.11.2017</b>
<b><u>Agent:</u></b>	<b>Morgan Carn Partnership</b>	<b>Blakers House</b>	<b>79 Stanford Avenue</b>
	<b>Brighton BN1 6FA</b>		
<b><u>Applicant:</u></b>	<b>Total Contractors Ltd 99 Western Road Hove BN1 1FA</b>		

## 1. RECOMMENDATION

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

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	BLOCK 1366-P-109-P7		26 May 2017
Roof Plan Proposed	1366-P-109-P7		26 May 2017
Elevations Proposed	NORTH AND EAST 1366-P-118-P6		26 May 2017
Sections Proposed	A-A D-D 1366-P-120-P7		26 May 2017
Floor Plans Proposed	1366-P-116-P7		26 May 2017
Detail	LIGHT REPORT P110080-1000		21 September 2017
Floor Plans Proposed	COLOUR CODED PLAN 1366-P-130		25 September 2017

- 2 No extension, enlargement or alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - 0 of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.
- 3 Condition 1 not used. Works have commenced on site
- 4 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan.
- 5 All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP12 of the Brighton and Hove City Plan and QD15 of the Brighton & Hove Local Plan.
- 6 No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted, including the balustrade to the penthouse flats, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 7 The development shall be carried out in accordance with the protection scheme agreed under application BH2017/00142
- 8 The scheme shall be implemented in accordance with agreed BREEAM Domestic refurbishment rating agreed under BH2017/01852

- 9 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
- 10 No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specification (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP12 of the Brighton and Hove City Plan and QD15 of the Brighton & Hove Local Plan.
- 11 No development shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.  
**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan.
- 12 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land 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:** To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies CP12 of the Brighton and Hove City Plan and QD27 of the Brighton & Hove Local Plan.
- 13 No development shall take place 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 in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan
- 14 Prior to the commencement of development, details of foul and surface water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason:** 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 policy SU3 of the Brighton & Hove Local Plan.

- 15 Prior to the commencement of development, a scheme setting out the measures to be undertaken to protect the public water supply main shall be submitted to and approved in writing by the Local Planning Authority  
**Reason:** To protect the public water supply and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 16 Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units created by the conversion of the existing building hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each of these units built has achieved a rating of 'very good' as a minimum for the residential units created by the conversion of the existing building 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 and Supplementary Planning Document SPD08 Sustainable Building Design.
- 17 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 18 The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 19 The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 20 The development hereby permitted shall not be occupied until details of a scheme of works to change the redundant double yellow lines on Lansdowne Place to shared use CPZ bays has been submitted and approved by the Local Planning Authority.



**Reason:** To ensure that the development provides for the demand for travel it creates and to comply with policy CP9 of the Brighton & Hove City Plan.

- 21 Prior to the occupation of the development hereby approved, a minimum of six bird boxes shall be provided on the development in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be retained thereafter.

**Reason:** To promote biodiversity and to comply with policy CP10 of the Brighton & Hove City Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2 To satisfy conditions regarding details of foul and surface water sewerage disposal and the protection of the public water supply main, it is requested that you prepare information in consultation with Southern Water.
- 3 Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
- 4 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, S021 2SW (Tel 0330 3030119 or at [www.southerwater.co.uk](http://www.southerwater.co.uk)
- 5 The applicant is advised that details of the BREEAM Domestic Refurbishment assessment and a list of approved assessors can be obtained from the BRE website ([www.breeam.org/page.jsp?id=228](http://www.breeam.org/page.jsp?id=228)). Details can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
- 6 The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
- 7 If any signs of bats and/or nesting birds are discovered during demolition, works should stop and advice should be sought from a suitably qualified and experienced ecologist. All species of bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 making all species of bats European Protected Species. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed,

injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.

- 8 This decision to grant Planning Permission has been taken:
- i) Having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - ii) For the following reasons:-  
The building is currently vacant. The principle of its conversion from hotel to residential use is acceptable and would secure the future of the building. The proposed residential accommodation would be of an acceptable standard and would not adversely impact on the amenities of neighbouring properties. Whilst there are concerns about the visual impact of the additional storey, the extant planning permission for a similar structure is a material planning consideration.
- 9 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 10 There is a Section 106 agreement attached to this permission requiring compliance from the owners

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The Lansdowne Place Hotel is a prominent locally listed building within the Brunswick Town Conservation Area, and was built in the classical style typical of this area. It is set within the context of numerous listed buildings including the Grade I buildings of Brunswick Terrace and Square on the South and East sides.
- 2.2 The application site was occupied as a hotel until approximately December 2012 and has since been vacant. The condition of the building has declined since the closure of the hotel. Building works have now commenced on site.
- 2.3 Application BH2014/00093 was granted consent in March 2016 for 'Part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert existing hotel (C1) to 45no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works. (Revised Design).' The approved application was for 47 apartments not 45, this was an error at the time which as since been corrected.
- 2.4 This application seeks consent to alter the plans to the consented penthouse by increasing the depth of the eastern elevation.

### 3. RELEVANT HISTORY

**BH2017/02591** - Non Material Amendment to BH2014/00093 for the installation of external boiler flue and extract fan cowls. Under consideration

**BH2017/02407** - Application for approval of details reserved by conditions 9 & 17 of application BH2014/00093. Under consideration

**BH2017/02295** - Application for approval of details reserved by conditions 14 & 15 of application BH2014/00093. Under consideration

**BH2017/02276** - Application for Approval of Details Reserved by Conditions 10 and 11 of application BH2014/00093. Under consideration

**BH2017/02150** - Application for approval of details reserved by condition 12 of application BH2014/00093. Under consideration

**BH2017/01852** - Application for approval of details reserved by condition 8 of application BH2014/00093. Approved 19 July 2017.

**BH2017/00884** - Non Material Amendment to BH2014/00093 to replace existing single glazing with slimline double glazing to the front elevation. Approved 24 July 2017.

**BH2017/00142** - Application for Approval of Details Reserved by Condition 7 of application BH2014/00093. Approved 7 March 2017.

3.1 Appeal APP/Q1445/S/16/3154858 - The application sought to have the planning obligation modified by the removal of the requirement to provide 40% affordable housing. The appeal allowed modifications. The Planning Inspectorate concluded:

3.2 'The affordable housing requirement in the Section 106 Agreement is unviable as it stands. However, there is no justification for removing it altogether. The available evidence shows that the development could become viable by changing the tenure mix or by providing a commuted payment. In this case, due to the particular circumstances, the provision of 18 shared ownership units would be the most likely on-site option to be achieved. However, the service charges may prove to be an unaffordable barrier for prospective purchasers. It is therefore considered that the most pragmatic way to ensure that this stalled development will proceed is to modify the Section 106 Agreement by making provision for on-site or off-site provision in the alternative. This would give the developer flexibility whilst still ensuring that much needed affordable housing is provided.'

3.3 A revised 106 contribution was agreed on the 19/7/2017.

**BH2014/00093** - Part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert existing hotel (C1) to

47no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works. (Revised Design). Approved 24 March 2016

**BH2009/01739** - Display of externally illuminated fascia and non-illuminated flagpole signs. Refused 25 September 2009

**BH2007/01202** - Erection of 2 gas torches adjacent to front steps (retrospective). Approved 11 July 2007

#### **4. REPRESENTATIONS**

4.1 Nineteen (19) letters have been received, objecting to the proposed development for the following reasons:

- This building is already higher than any other in the street so it will be out of proportion with the surrounding buildings
- An additional floor will reduce light to existing properties
- There isn't enough parking
- The historical mews streets are already being challenged and changed, and the Brunswick Town area does not need any taller buildings than currently exists
- The proposed scheme will prolong the building work
- Increased traffic and air pollution
- Increased litter and recycling without the infrastructure to deal with it
- The proposed scheme will affect the aesthetics of the building
- It will obscure views from Brunswick Street West
- The area is already overcrowded
- It will change the landscape of the conservation area

4.2 Three (3) letters providing the following general comment have been received

- In principle we agree with the development and look forward to it being completed. We do however have concerns on the strain the flats will have on the on street parking on the road, the general refuse and litter on our street and the timeline of the project. We are also concerned about noise and the appearance of the building while works take place
- There should be no work done at the weekends. The scaffolders were doing construction on a Sunday which shouldn't be allowed
- Is there an 'artist's impression' of how the building will look when completed? The 'penthouse addition' should be harmonious with the existing building
- The proposed alterations must not prolong the work to the hotel which is creating havoc for local residents

4.3 Councillor Ollie Sykes has also objected to the application, and a copy of the letter is attached to the report.

## 5. CONSULTATIONS

### 5.1 **Ecology:** No objection

The proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

### 5.2 **Sussex Police:** No objection

Having viewed the proposals in this application, we consider them to be minor amendments which do not impact on the comments relating to the earlier approved application BH2014/00093, and we have no further comments to add.

### 5.3 **Sustainability:** Comment

There are no sustainability comments with regards to the proposed amendment to the drawings submitted by the applicant.

### 5.4 **City Regeneration:** Comment

The original application was for a development of 50 dwellings and a request was made by the Senior Economic Development Officer at the time for a developer contribution of £25,000 towards the council's Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance. Subsequent applications, most recently, BH2017/01817, states that the number of dwellings has been reduced to 47 and therefore these revised comments are to reflect this reduction in the number of dwellings and how this impacts on the developer contribution to be requested.

5.5 It should also be noted that since the original application in 2014, consultation has taken place with regards to the level of contribution to be requested. This has resulted in a tariff which reflects a range of properties types and now incorporated into the Developer Contribution Technical Guidance.

5.6 In this instance, this will further impact on the developer contribution required in respect of the Lansdowne Hotel development. The details are provided in the Main Comment section.

5.7 The requirement for an Employment and Training Strategy remains unchanged, with the expectation that the developer, through their contractors, commit to using 20% local employment during demolition and construction phases of the development in addition to providing opportunities for training to be detailed in the strategy.

### 5.8 **Heritage:** No objection

This proposal is an amendment to the approved additional penthouse storey and proposes an extension of the accommodation on the east elevation, whereby part of the set-back from the main rear elevation would be lost.

5.9 It is considered that this will increase the impact of the additional storey, however it only affects parts of this elevation and therefore although not welcomed, there is no strong objection to the proposed amendment.

5.10 **Policy:** No comment

5.11 **Southern Water:** Comment

The comments in our original response dated 07/05/2014 remain unchanged and valid for the amended details.

5.12 **Sustainable Transport:** No objection

The alterations to the approved drawings allow for extensions to the rear penthouse apartments. It is understood that the number of units will remain unchanged and, as such, the modifications are not considered to result in additional impacts on surrounding highway and transport networks. As a result, the comments remain consistent with the Highway Authority's response to the original application BH2014/00093.

## **6. MATERIAL CONSIDERATIONS**

6.1 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

6.2 The development plan is:

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

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

## **7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing density

CP15 Heritage

CP19 Housing mix

CP20 Affordable housing

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

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
QD5 Design - street frontages  
QD14 Extensions and alterations  
QD15 Landscape design  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD09 Architectural Features  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

- 8.1 This application proposes alterations to approved scheme BH2014/00093 part demolition, change of use and creation of an additional penthouse to convert the Lansdowne Place Hotel into 47 residential units with associated car parking, cycle parking and landscaping, which was approved on the 24 March 2016. This application seeks consent to alter the penthouse level by increasing the depth of the eastern elevation.
- 8.2 The main considerations in the determination of this application relate to the impact of the proposed alterations on the appearance of the host property, the streetscene, the wider Brunswick Town Conservation Area and near-by listed buildings. The impact on local amenity will also be assessed.
- 8.3 **Design and Appearance:**  
The proposed application is to extend part of the eastern building line.
- 8.4 This proposal is an amendment to the additional penthouse storey approved under application BH2014/00093. This amended scheme proposes an extension of the east elevation building line, whereby part of the set-back from the main rear elevation would be lost.
- 8.5 The increase to the north-eastern building line would be staggered, with the depth of the penthouse increasing between 1.36m and 2.08m.
- 8.6 The increase to the south-eastern building line would also be staggered and ranges between 0.8m and 2.1m.

- 8.7 This is best demonstrated in plan 1366-p-130 received on the 25/09/2017 which colour codes the approved scheme in red and the amended scheme in light blue. There is no proposed change to the height of the penthouse, and the amendments will facilitate a better layout to the two penthouse properties.
- 8.8 Although the amendments would increase the impact of the additional storey by increasing its bulk, this would only be apparent on the eastern elevation.
- 8.9 The difference between the approved scheme and the proposed scheme would not be readily visible on the streetscene due to the overall scale and height of the building, and the relationship with the side wing projections and the lower levels, which remains largely unaltered.
- 8.10 Changes to the fenestration on the east elevation are also proposed, which are considered acceptable.
- 8.11 No other changes are proposed under this application.
- 8.12 The proposed alterations to approved scheme BH2014/00093 are not considered to cause significant harm to the character and appearance of the host property, the streetscene, the Brunswick Town Conservation Area or listed buildings within the local vicinity.
- 8.13 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.14 The primary concerns relates to the impact the proposed scheme would have on overshadowing and loss of light to the surrounding properties.
- 8.15 The proposed scheme does not include alterations to the height of the approved building. The amended scheme involves increasing the eastern building line situated between the side wing projections; as such an increase in overshadowing or loss of natural light is considered minimal.
- 8.16 Nevertheless, an amended BRE Daylight and Sunlight Assessment was submitted on the 21/09/2017 to compare the impact of the consented and revised designs.
- 8.17 The residential properties most likely to be affected by changes to daylight and sunlight are 1-7 Dudley Mews, 8 Dudley Mews (South) and 20 Brunswick Street West. An illustration of the windows assessed are include with the presentation or can be found on page 10 of the BRE Daylight and Sunlight Assessment.
- 8.18 The report concluded that:



- 8.19 'All but one of the windows show a very small or negligible loss of daylight as a result of the proposals and loss of daylight would be well within the BRE guidelines.
- 8.20 There is a very slight reduction in the amount of daylight which would be received by some of the windows compared to the consented design, but these reductions would be negligible in nature. Window J would have an after/before ratio of 0.90 - 0.02 lower than for the consented design. Another eight windows would have an after/before ratio 0.01 lower. The remainder would be unchanged.
- 8.21 The only window assessed in 2013 which would lose an amount of daylight outside the BRE guidelines was basement window X, at 20 Brunswick Street West. This is actually a door with a glazed area and a side pane rather than a window, which would only require analysis if it lights a habitable room. As it is not known whether it lights a room or a circulation space, it was therefore analysed. The 2017 revised version of the design for the penthouse floor would lead to no change in the loss of daylight this window would experience compared to the design for the penthouse floor which has already received planning permission.'
- 8.22 Overall, there is a very slight reduction in the amount of daylight which would be received by some of the windows compared to the consented design, but these reductions would be negligible and all of the windows concerned would meet the BRE guidelines.
- 8.23 Approved scheme BH2014/00093 included fenestration along the eastern elevation. The proposed alterations considered under this application are therefore not considered to result in any increase in overlooking or loss of privacy.
- 8.24 It is therefore concluded that the proposed scheme would not have any discernible additional impact on neighbouring amenity and is therefore recommended for approval.

## **9. EQUALITIES**

- 9.1 None identified



Sent: 23 July 2017 21:49

**Planning Application - BH2017/01817**

Comment reference number: 1065782

I object to the Planning Application

**Sender's details**

Cllr Ollie Sykes

**Comment**

The revised drawings are described as minor amendments but extend the penthouse parapet two metres to the west, further depriving at least two homes on Brunswick St West of their only source of natural light.



# **ITEM F**

**85 Rotherfield Crescent, Brighton**

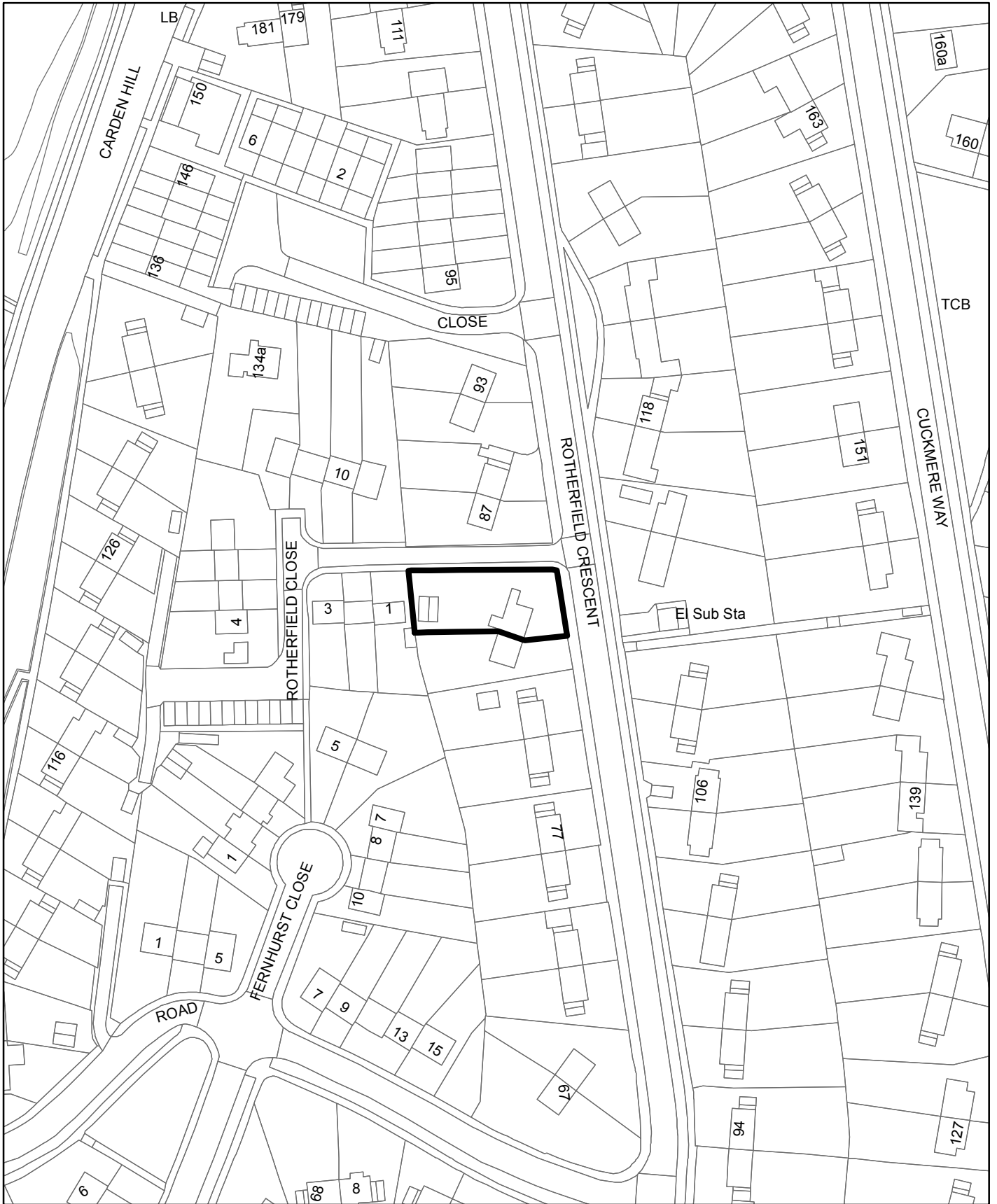
**BH2017/02273**

**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2017/02273 85 Rotherfield Crescent, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2017/02273</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>85 Rotherfield Crescent Brighton BN1 8FH</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no three bedroom dwelling (C3) adjoining existing property including creation of new crossovers and associated alterations.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, tel: 292359	<b><u>Valid Date:</u></b>	06.07.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	31.08.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	15.11.2017
<b><u>Agent:</u></b>	Deacon And Richardson Architects 253 Ditchling Road Brighton BN1 6JD		
<b><u>Applicant:</u></b>	Mr Morel De Mendonca 411 Ditchling Road Brighton BN1 6XB		

## 1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	EX.001		6 July 2017
Site Layout Plan	PL.001		6 July 2017
Floor plans/elevations/sect proposed	PL.100		6 July 2017

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 3 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples of all render and tiling (including details of the colour of render/paintwork to be used)

- b) Details of all hard surfacing materials
- c) Details of the proposed windows and doors

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

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

- 4 No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5 Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) shall have been installed at the junction of and across Rotherfield Close with Rotherfield Crescent and at the junction of and across Youngsmere Close with Rotherfield Crescent.  
**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.
- 6 The new/extended crossovers and accesses shall be constructed prior to the first occupation of the development hereby permitted.  
**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.
- 7 Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover [outside site on Rotherfield Close] back to a footway by raising the existing kerb and footway.  
**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.
- 8 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 TR14 of the Brighton & Hove Local Plan.

9 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One

10 The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan

11 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO<sub>2</sub> improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

13 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have

been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out for the benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of condition 5.
3. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

- 4 The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 This application relates to a semi-detached property positioned on the western side of Rotherfield Crescent at the junction with Rotherfield Close. The host property benefits from a large garden, wrapping around the property. In addition to the west of the property is a double garage with off street parking.

## 3. RELEVANT HISTORY

**BH2016/01778:** Erection of 1no three bedroom dwelling (C3) adjoining existing property including creation of new crossovers and associated alterations. Refused November 2016 and dismissed at appeal February 2017.

**BH2016/01796:** Demolition of existing garage to rear and erection of 2no semidetached dwellings (C3) with associated car parking. Refused July 2016 and dismissed at appeal February 2017.

## 4. REPRESENTATIONS

- 4.1 Eleven (11) letters have been received objecting to the proposed development for the following reasons:

- The development will encroach on the privacy of existing houses
- An additional dwelling will restrict access to the close
- Parking is already a problem and another dwelling will add to this
- The additional cars will further restrict access for emergency vehicles
- Loss of views
- Increase of noise and disturbance
- Increased overlooking and overshadowing
- The patio area proposed is too small for a family
- The overall height of the property
- The proposals do not provide enough off-street parking
- The development is too big for the site

## 5. CONSULTATIONS

- 5.1 **Sustainable Transport:** No objection

The Highway Authority has no objections to this application subject to the inclusion of the following conditions:

- Reinstatement of the redundant crossover

- Pedestrian crossing improvements to be installed at the junction of and across Rotherfield Close with Rotherfield Crescent and at the junction of and across Youngsmere Close with Rotherfield Crescent.
- Full details of a cycle parking scheme

## 6. MATERIAL CONSIDERATIONS

6.1 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

6.2 The development plan is:

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

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

## 7. 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  
 CP19 Housing mix

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

TR7 Safe Development  
 TR14 Cycle access and parking  
 QD15 Landscape design  
 QD27 Protection of amenity  
 HO5 Provision of private amenity space in residential development  
 HO13 Accessible housing and lifetime homes

#### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
 SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development to the wider street scene, the standard of accommodation provided and any potential impact to the amenities of neighbouring properties, in addition to transport and sustainability issues.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 **Character and Appearance:**  
Planning permission is sought for the construction of detached property of a two storey design with additional accommodation provided within the roof space. The proposed new dwelling is positioned to the west of the existing semi-detached property. The new dwelling would be situated in the rear garden space of the existing property and would replace an existing single storey double garage.
- 8.4 Rotherfield Crescent is of a suburban character and is characterised by semi-detached and terraced properties with front and rear gardens, commensurate to family dwellings in the area. The properties to the west of the development form a terrace of three properties with a staggered building line. The original host property, to the east of the development proposed at its most northern point, is positioned on the same building line as 1 Rotherfield Close. The side extension to No. 85 Rotherfield Crescent is a later addition to the property for which no planning history can be found.
- 8.5 The front elevation of dwelling would come slightly forward of No 1 Rotherfield Close, similarly to the previous scheme for two semi-detached properties. However, the Planning Inspector noted in the appeal decision of the previous scheme (BH2016/01796) that this 'positioning would not result in a significant reduction in the sense of spaciousness on the corner of Rotherfield Crescent and Rotherfield Close. This is because the side garden of No 85 would be retained, and it would still be possible to see towards the houses on Rotherfield Close from the main road.'
- 8.6 The Planning Inspector also noted that due to the position of the development, the property would be mainly seen in the context of Rotherfield Close, which has a closer knit pattern of development than Rotherfield Crescent. The dwelling proposed would have a lower ridge height than No.1 Rotherfield Close and as such the roofscape would be seen against the backdrop of roofs rising away from the property.

- 8.7 The dwelling proposed incorporates a design and materials which reflect that of existing properties within the streetscene and overall it is considered that the property would be in compliance with Policy CP12 of the Brighton and Hove Local Plan.
- 8.8 **Standard of accommodation**  
The proposed dwelling comprises of, an open plan layout at ground floor level, incorporating a kitchen/dining/living area with access to the rear garden, two double bedrooms and two bathrooms at first floor level and a further bedroom with en-suite at second floor level, within the roof space.
- 8.9 The guidance set out within the governments Technical Housing Standards- Nationally described space standards states that a 3 bedroom property of this type should provide a minimum gross internal floor space of 99sqm. The proposed dwelling is in accordance with these standards, measuring 101sqm.
- 8.10 Each habitable room proposed benefits from sufficient circulation space. Whilst the proposed third bedroom has a reduced floor area above 1.5m in height, the bedroom would still be capable of providing a single bed space. Furthermore each room benefits from natural light and ventilation.
- 8.11 To the rear of the property is a patio area which forms the private amenity space to the property. Whilst it is acknowledged that the garden proposed is notably smaller than that of neighbouring properties, it is considered to provide sufficient outdoor space for future occupiers in accordance with HO5.
- 8.12 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.13 The proposed new dwelling is positioned just off the adjoining boundaries to 1 Rotherfield Close and 85 Rotherfield Crescent. Whilst the rear boundary adjoins the side boundary of 83 Rotherfield Crescent.
- 8.14 The new dwelling proposed is separated from 1 Rotherfield Crescent by a single storey garage, resulting in an increased separation distance from the occupiers of this property. Furthermore no windows are visible to the side elevation of this neighbouring property and no side windows are proposed to the new dwelling. The position of the new dwellings is such that they do not project beyond the existing rear wall of No. 1 Rotherfield Close and therefore no loss of light would result to this neighbouring property.
- 8.15 The previous application (BH2016/01796) raised concern over the amenity impact to the existing property to the application site, given the close proximity of the development proposed to the existing rear ground floor rooms. The proposed development has been reduced in width by 5m and as such it is now



considered that a sufficient separation distance is maintained from the rear elevation of No.85. Whilst it is noted that the proposal will result in a blank façade to the east, given the modest wrap around design of the garden to No.85 this is not considered to result in an overbearing impact to this property that would justify refusal of the application.

- 8.16 The southern boundary of the proposed development adjoins the side boundary of 83 Rotherfield Crescent. As existing this neighbouring property experiences mutual overlooking from the existing host property to the application site. This is however minimised given the angle of the shared boundary.
- 8.17 As existing given the rectangular shaped rear gardens of properties within the area and the orientation of the plots on Rotherfield Crescent and Rotherfield Close, the rear garden of No.83 benefits from open views to the north.
- 8.18 The previous application on the site (BH2016/01796) raised concerns over resultant levels of overlooking, loss of privacy and sense of enclosure to No.83 given that the new dwellings proposed were two storey in nature and extended along the full length of the private rear garden to this neighbouring property.
- 8.19 Whilst this neighbouring property currently enjoys an open aspect to the north, the current proposal has been reduced in width by approximately 5m. The proposed dwelling is now positioned at the west westerly end of this neighbouring garden and as such it is considered that this neighbouring occupier will still benefit from views to the north.
- 8.20 To the rear of the property at ground floor are a set of French doors and window to serve the proposed kitchen. Given the gradient of the application site and neighbouring properties, the ground floor fenestration would be partially obscured by the proposed retaining wall. At first floor level two narrow windows are proposed to serve bathrooms. As such it is not considered that the rear fenestration would result in harmful levels of overlooking to neighbouring properties.
- 8.21 As such the proposed development is considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.
- 8.22 Landscaping:  
The proposed plans incorporate new boundary treatments to the east and west. In addition to the rear of the site a new retaining wall is proposed. The plans also indicate the planting of trees to the front of the property. Final details, including all boundary treatments and proposed planting will be secured by condition.
- 8.23 **Sustainable Transport:**  
For this development of 1 residential unit with 3 beds the minimum cycle parking standard is 2 cycle parking spaces in total. Full details of the proposed cycle parking are secured by condition.

- 8.24 To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) are to be installed at the junction of and across Rotherfield Close with Rotherfield Crescent and at the junction of and across Youngsmere Close with Rotherfield Crescent. These works are secured by condition.
- 8.25 It is noted that there is public concern about parking in this neighbourhood and that the existing and proposed access off Rotherfield Close is not where people normally park their vehicles so there will not be a loss of on-street parking as a result of changes to the vehicular access.
- 8.26 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable.
- 8.27 For this development of 1 residential unit the maximum car parking standard is 2 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (one space) is in line with the maximum standards and is therefore deemed acceptable in this case.
- 8.28 The proposed hardstanding should be constructed of porous and/or permeable materials. In addition given the gradient of the site consideration must be had to surface water, to ensure that no water drains of the site and onto the adopted highway.
- 8.29 **Sustainability:**  
Policy CP8 of the Brighton and Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition.

## **9. EQUALITIES**

- 9.1 It is recommended that access standards as required by Policy H013 be secured by planning condition.

# **ITEM G**

**Land To Rear Of 62-64 Preston Road  
Brighton**

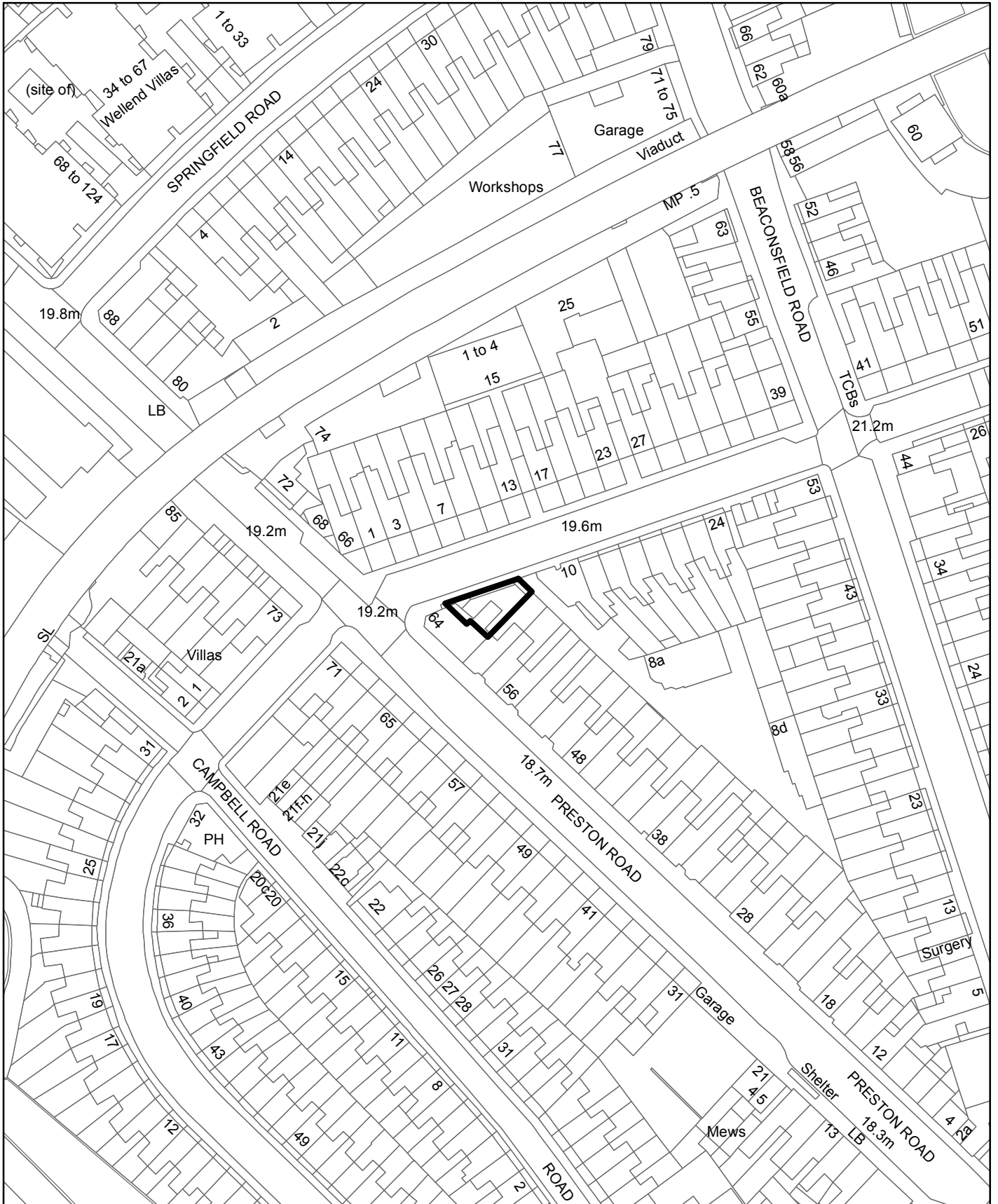
**BH2017/02137**

**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2017/02137 Land To Rear Of 62-64 Preston Road Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/02137</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To Rear Of 62-64 Preston Road Brighton BN1 4QF</b>		
<b><u>Proposal:</u></b>	<b>Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations.</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 293335	<b><u>Valid Date:</u></b>	26.06.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	21.08.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Bold Architecture Design Ltd 14 Gladys Road Hove BN3 7GL		
<b><u>Applicant:</u></b>	Mr R Little Mulberry House 1A Surrenden Crescent Brighton BN1 6WE		

## 1. RECOMMENDATION

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

- 1 The proposed four storey extension, by reason of its excessive height, depth, roof form, detailing and materials represents an excessively scaled addition that is bulky, unduly dominant and forms an overdevelopment of the site. The proposal fails to respond to the surrounding context and development pattern and fails to relates to main building and adjoining development. The proposal is therefore significantly harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
- 2 The proposed extension, by reason of its excessive height, depth and bulk as well as its proximity to neighbouring dwellings, would result in a significant loss of light and outlook, particularly in reference to the rear windows of the existing flats within 60, 62 and 64 Preston Road. The mass and scale of the extension would also result in an overbearing and oppressive impact to 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 3 The proposed extension, by reason of the positioning of the south facing windows and rear balconies, would result in a significant loss of privacy and overlooking as well as a perceived sense of overlooking to the adjoining properties to the south, in particular 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	GA01		26 June 2017
Floor Plans Proposed	GA05	B	26 June 2017
Floor Plans Proposed	GA06	B	26 June 2017
Floor Plans Proposed	GA07	B	26 June 2017
Elevations Proposed	GA08	B	26 June 2017
Elevations Proposed	GA09	B	26 June 2017
Elevations Proposed	GA10	B	26 June 2017

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site is located on the rear yard to the rear of 62 - 64 Preston Road which is on the corner with Ditchling Rise.
- 2.2 62 - 64 Preston Road is a three storey building with a basement. The building has a shop within the basement and ground floor with residential accommodation on the upper floors which is similar to the adjoining building at 60 Preston Road. The site is not within a Conservation Area.
- 2.3 The application seeks to erect a four storey building with an extended basement forming one two bedroom flat and three one bedroom flats following the demolition of the current projection to the rear of 62 Preston Road.
- 2.4 The application is a resubmission of a previously refused scheme. The applicant has not sought any pre-application advice prior to submitting this current application.

## **3. RELEVANT HISTORY**

**BH2016/06407** Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations. Refused 21.04.2017 for the following reasons:

1. The proposed three storey building with habitable accommodation in the roof and basement, by reason of its excessive height, depth and roof form represents an excessively scaled addition that is bulky, dominant and an overdevelopment of the site. The proposal is harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.



- 2 Due to the positioning of the proposal with the host building, the outlook and amenity of the residents within the rearward bedrooms on the first and second floors within the host building, as well as the rearward bedrooms on the first and second floors of the adjoining 60 Preston Road, would be adversely affected contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

#### **4. REPRESENTATIONS**

- 4.1 Ten (10) letters have been received, supporting the proposed development for the following reasons:

- Effective use of the site
- Tidy up the area

- 4.2 Nine (9) letters have been received, objecting to the proposed development for the following reasons:

- Overshadowing
- Loss of privacy
- Out of scale
- Overlooking
- Detrimental effect on the visual amenity
- Out of character
- Highway safety
- Lack of parking

#### **5. CONSULTATIONS**

- 5.1 **Sustainable Transport:** Comment

No Highway objections subject to the inclusion of the necessary conditions including cycle parking and car free housing,

#### **6. MATERIAL CONSIDERATIONS**

- 6.1 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

- 6.2 The development plan is:

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

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

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design

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

- TR7 Safe Development
- TR14 Cycle access and parking
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

#### Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the effect on the street scene as well as the impact on the host building, the residential amenity of the neighbouring residents, the residents within the proposed development and the well-being of the residents in the host building's upper levels.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 **History of the Site:**  
As detailed above, a similar development has recently been considered by the Planning Committee in April 2017 and was refused. Whilst the principle of additional development was not rejected at the site, there were significant concerns regarding the appearance of the development and the impact on

amenity of existing residents. The key differences between the refused scheme and the current application include:

- Redesigned roof form resulting in a set back from the edges of the floors below, clad in zinc.
- Alterations to cycle store on the ground floor.
- Reduction of the number of openings on the north elevation (fronting Ditchling Rise).
- Set back to the first and second floors on the south west corner of the extension (where it adjoins the main building)
- Enlargement of the rear bedrooms of no. 64 - extending into the proposed extension and a new side openings fronting Ditchling Rise

8.4 It has also come to light since the previous application that No. 60 Preston Road contains residential uses on all floors, including two ground floor self contained flats and a maisonette on the upper floors. The previous application only references the upper maisonette. Council Tax records and further investigations into the internal layout substantiate how the ground floor level is currently being used. The impacts on these neighbouring units are considered below.

8.5 **Design and Appearance:**

The proposal seeks permission for a four storey rear extension, largely infilling the rear garden area of 62 and 64 Preston Road. Concerns were previously raised within the Officers report in respect of the excessive height, depth and inappropriate roof form.

8.6 It is considered that the modest revisions as outlined above to the scheme have failed to satisfactorily address these concerns.

8.7 The surrounding area is characterised by rows of three storey Victorian Terraces. Preston Road, forms a main thoroughfare, with this section of the road containing ground floor commercial units and residential above. Ditchling Rise predominately contains residential properties. Overall, the area has a strong coherent rhythm and character, with uniformed plot sizes and layouts. The application site is located on the junction of Preston Road and Ditchling Rise and at some point in the past, the two properties 62 and 64 Preston Road have been amalgamated across the ground floor, but the upper floors remain separate. The rear gardens of this terrace are visible from Ditchling Rise and provide a break and relief between the developments fronting the two roads. This is a common scenario within the immediate vicinity, and adds to the sense of rhythm and spacing of the area.

8.8 At their meeting held on 12th April 2017, the Committee expressed concerns over the proposed roof form and detailing of the extension, and despite noting that the site might have the potential for development, the application was refused in line with Officer recommendation. As a response, the eaves height is now similar to that of the main dwelling and windows aligned on a similar line to the main dwelling.

- 8.9 It is considered that these revisions, still fail to mitigate the overall harm caused by the mass and scale of the extension and the previous grounds for refusal. The revised roof form, described as a 'pod' within the submission, appears as an additional storey with a large expanse of flat roof, which fails to relate to the main dwelling and characteristics of the surrounding properties, which predominantly have traditional hipped roofs, and therefore jars with the main dwelling. Whilst this design solution can sometimes be acceptable, it is considered that in this instance it would be a highly noticeable and incongruous feature of the extension which would be exacerbated by the use of the zinc cladding that would only be broken up by small areas of glazing.
- 8.10 The extension would appear disjointed from the main dwelling, due to the substantially different roof form as well as the contrived design of the 'link' element with the inset corners of extension. In addition, the proposed rear balconies, located on a highly prominent elevation are uncharacteristic of the surrounding area and in this instance would be an additional feature that would jar with the host property and surrounding buildings.
- 8.11 Despite the revisions, it is considered that the proposal would significantly disrupt the rhythm of the surrounding area and due to its excessive size, height and contrived footprint, would appear overly dominant and enclose this valuable spacing. The four storey appearance of the extension would exacerbate the dominance of this feature and would appear out of scale with the main dwelling and the surrounding development. The irregular footprint of the extension would also be highly evident from within Ditchling Rise due to the prominent corner location. The resultant lack of sufficient garden space would also be evident and uncharacteristic of the area where plots are of similar sizes. All of these factors underline the limitations of the plot and the difficulty in achieving an acceptable development.
- 8.12 Overall, it is considered the proposed extension would appear overly prominent by reason of its excessive size, form and design, sitting in stark contrast to the surrounding development. Due to its appearance and design features the development would appear out of character and incongruous with its surroundings. The proposal therefore harms the character and appearance of the existing property, Ditchling Rise streetscene and the surrounding area.
- 8.13 **Standard of Accommodation:**  
All proposed flats would have acceptable layouts and adequate levels of light and outlook. The scheme includes 1no. two bed maisonette over the ground and basement levels. The bedrooms would be located within the basement and would have sliding doors on to a small outdoor patio. Given the land level changes to the rear, the bedrooms would have sufficient light and outlook. The ground floor would be served by side windows, the north side windows would be sited adjacent to the pavement. Only one of these windows would serve a habitable room and it is proposed that the bottom half of this window would be obscure glazed to protect the privacy of the occupiers. It is considered that this a suitable solution to mitigate any harm. The overall size of this unit would satisfactorily meet the recommended room sizes as outlined within 'The Nationally Described Space Standards'.

- 8.14 The upper floor flats would all be one bedroom units and would range between 54m<sup>2</sup> and 42m<sup>2</sup>. The smallest unit, located on the third floor is showing a single bedroom and on this basis the minimum size for a 1 bed 1 person unit is 39m<sup>2</sup>. The units therefore meet the recommended minimum standards. All of these flats would have sufficient light and outlook.
- 8.15 The upper flats would not be provided with any outdoor amenity space, however given the size of the units and the central location, this would not be an uncommon scenario within the immediate vicinity.
- 8.16 **Impact on Amenity:**  
The concerns of the last application centred around the impact of the extension on the rear windows of No. 60 located on the upper floors of the main building serving the upper maisonette and the impact on the rear windows/rooms of the host property.
- 8.17 **Impact on neighbours:**  
Given the proximity of the extension to this neighbouring property, coupled with the excessive height and bulk, the proposal is still considered to cause significant harm to the outlook and light of these rear windows.
- 8.18 The proposed windows within the southern elevation would look directly towards No. 60 and given the positioning of the upper windows, directly towards the properties further south in the adjoining Preston Road terrace, some of which have residential amenity areas. It is therefore considered that these openings would result in loss of privacy and overlooking.
- 8.19 It has also come to light since the previous application that the ground floor of no. 60 is in residential use. The proposed extension would be sited approximately 1.7m from the shared boundary with No. 60 Preston Road. It is therefore also considered that the extension would have a significantly harmful impact to the ground floor units and the rear garden. Previously, this concern did not form a reason for refusal due to the assumption that the ground floor was in use as a commercial unit and would not cause any harm to the occupiers living conditions. The extension would have a maximum depth of 13.5m and would have a maximum height of 12.2m, the scale and mass of the extension would therefore be substantially overbearing and oppressive to the residential occupiers of the ground floor, including the rear amenity space, and would result in a loss of light and outlook.
- 8.20 The rear balconies, whilst the positioning may restrict direct overlooking, their elevated location and lack of screening could result in a perceived sense of overlooking for the adjoining residential amenity areas, further detracting from the amenity of these properties.
- 8.21 **Impact on existing building/occupants:**  
The amenity of the existing building 62-64 Preston Road is also considered. No 62 has rearward windows directly adjacent to the proposed extension and the impact on these windows previously formed a reason for refusal. Despite the

revisions to the proposal, it is considered that these main windows would still be significantly affected in terms of loss of light and outlook, therefore harming the amenity currently enjoyed by the occupiers of these flats. The upper flats within No. 60 would lose their rearward windows due to the position of the extension. These windows currently provide light and outlook to the entire room that they serve. The relocation of these openings around a corner would provide an indirect source of light and outlook and would leave some areas of the room feeling dark and gloomy, to the detriment of the occupiers.

- 8.22 The property at the rear of the application site, 10 Ditchling Rise, is orientated side onto the site. However despite the mass and scale of the proposed development, the separation distance is considered sufficient and the proposal is therefore unlikely to impact on the side windows of this property, which in any case appear to be secondary openings.
- 8.23 The residents on Ditchling Rise that face the proposal currently enjoy a generous outlook and privacy due to the distance from their frontage to the rear of the buildings opposite. The proposal whilst it would dominant the views opposite these properties, given the separation, it is considered that no significant harm would occur. Regrettably the height of the proposal could restrict the entry of sunlight during the middle of the day in ground and basement flats opposite but this would not be considered enough reason to refuse the application.
- 8.24 **Sustainable Transport:**  
The applicant is proposing 6 cycle parking spaces, however the Transport Officer has raised a concern that two of the racks would not be suitable. The development could comfortably accommodate the required number of cycle spaces and therefore if the proposal were acceptable on all other grounds, a condition could be attached requiring further details to be submitted for approval.
- 8.25 The development would not be provided with any off-street parking. However, there already appears to be a high demand for on-street car parking in this controlled parking zone (J) area. With no on-site car parking proposed there is the potential for flats to increase further the apparent high demand for on-street parking in this area. Directly opposite the site there is a free on-street disabled parking bay, a free motorcycle parking area and provision for paid short-term parking. Therefore if the proposal were acceptable, a condition would be attached to ensure that the development remains car free.
- 8.26 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.
- 8.27 The Transport Officer has requested that the condition be attached to any approval to secure improvement works to nearby junctions to mitigate the impacts of the development. It is considered that if this was felt reasonable and

necessary, this could also be conditioned if the application were to be recommended for approval.

**8.28 Sustainability:**

CP8 of the Brighton and Hove City Plan Part One requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition in the event permission is granted.

**9. EQUALITIES**

9.1 None identified.





# **ITEM H**

**110 Auckland Drive, Brighton**

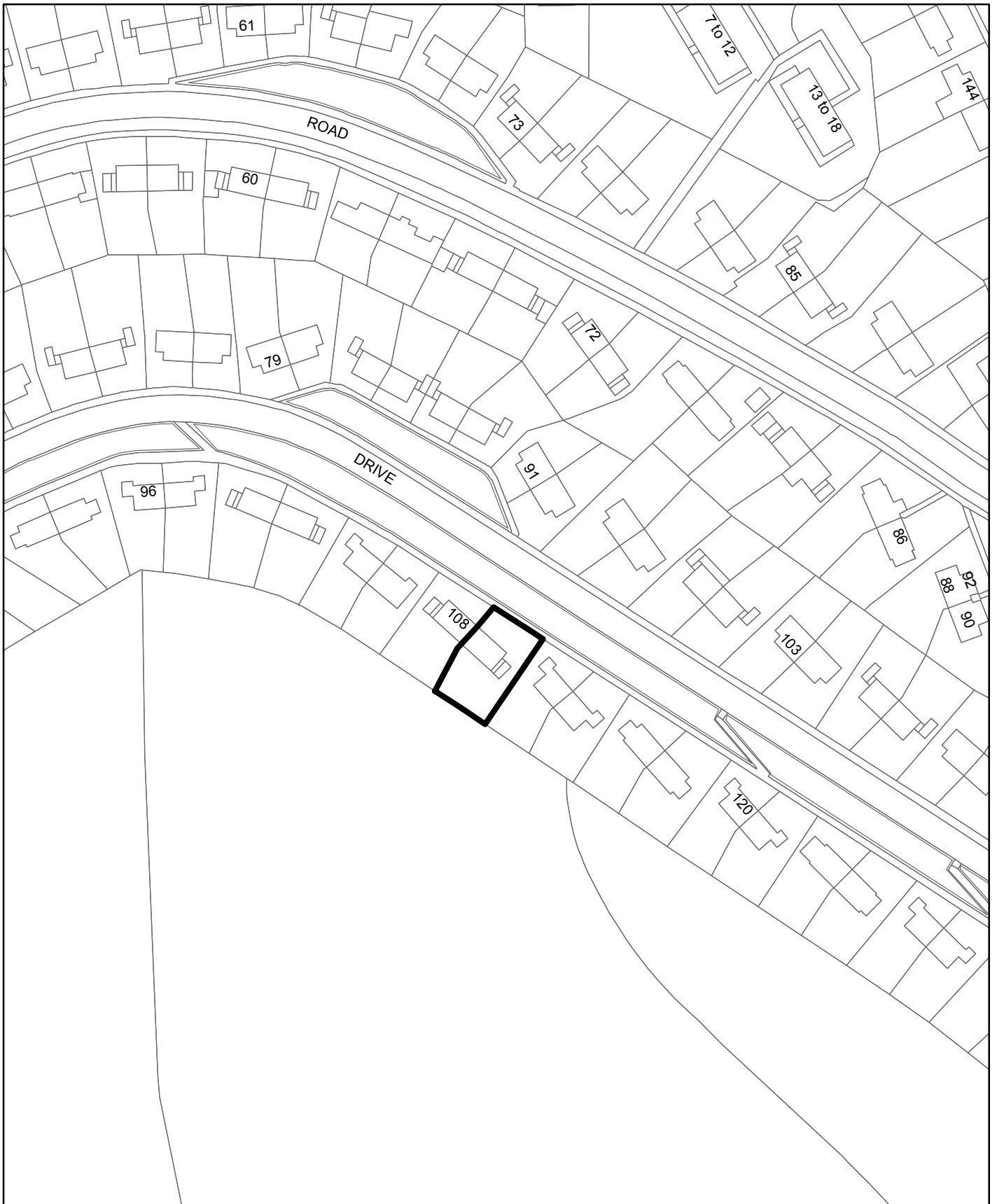
**BH2017/02434**

**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2017/02434 110 Auckland Drive, Brighton



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/02434</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>110 Auckland Drive Brighton BN2 4JG</b>		
<b><u>Proposal:</u></b>	<b>Change of use from three bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4) with alterations to existing side extension and creation of cycle storage.</b>		
<b><u>Officer:</u></b>	Charlotte Bush, 292193	tel:	<b><u>Valid Date:</u></b> 17.07.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	11.09.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	15.11.2017
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall Road
<b><u>Applicant:</u></b>	Ms George Birtwell Brighton BN1 5PD	C/o Lewis & Co Planning	2 Port Hall Road

## 1. RECOMMENDATION

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

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	01		17 July 2017
Block Plan	COU.01		17 July 2017
Floor plans/elevations/sect proposed	COU.01		17 July 2017
Soundproofing scheme			17 July 2017

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. Prior to first occupation of the development hereby permitted, further 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 submitted details should include the method for

supporting the cycles, the base, material of the store, how the store is secured, the dimensions, lighting, the area around the store and the path leading to and from the store. 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 TR14 of the Brighton & Hove Local Plan.

- 4 The kitchen/dining/lounge areas as detailed on plan COU.01 received on the 17/07/2017 shall be retained as communal space at all times and shall not be used as a bedroom.

**Reason:** to ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

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

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a two-storey semi-detached dwelling house on the southern side of Auckland Drive. The property has front, side and rear gardens and backs onto fields.
- 2.2 The proposed scheme is to convert the existing three bedroom dwelling house in C3 use to a 6 bedroom small house in multiple occupation (HMO) in C4 use class.
- 2.3 The property is not located in a conservation area. However, there is an Article Four Directive present which restricts the change of use from C3 single dwellinghouse to C4 small HMO.

### **3. RELEVANT HISTORY**

3.1 None Relevant

### **4. REPRESENTATIONS**

4.1 Twenty nine (29) letters have been received, objecting to the proposed development for the following reasons:

- This area is already over populated with HMOS.
- The community is already eroding
- The GP practice has closed
- The local nursery has closed
- School are undersubscribed and may have to close
- Student and shared houses often become home to partners, friends and others effectively doubling the occupation of a property with extra demands on sewerage, water, and other services.
- Loss of privacy and increased noise and disturbance..
- The rooms measure 8.5sq m with single beds but no chairs and limited circulation space.
- The open plan kitchen/diner/lounge does little to alleviate over use of the dwelling. The GIA is under 100 sq m which by the London Housing Design guide is the minimum for a 5 person 2 storey house. A 6 person house would require 107 sqm GIA as a minimum (Mayor of London, London Housing Design Guide).
- The proposal is for a complete internal reconfiguration with removal of internal walls, stair case and chimney breasts are of concern to the adjoining property.
- No reference is made to fire stopping or protection to the party wall extension into the attic this is a cause for concern for the health and safety the adjoining property.
- No mention is made of late night foot traffic and disturbance to neighbours, let alone the major disruption, noise and inconvenience of work being undertaken in the other half of a semi-detached property.
- Parking is on-street and provision in new design calls for 2 car spaces per 6-person house.
- The loading on electrical installations will be significant with 6 rooms having computing/games/television etc being run concurrently.
- Access to the property is compromised.
- Further reduction of housing stock for families.
- Students are transient and do not look after their local environment or build community spirit.
- Students should be located in purpose built accommodation and homes in Bevendean should be saved for families.
- Increased rubbish
- Increased noise
- These properties were built as family dwellings and should be retained as such.
- This needs to remain a family orientated estate
- Anti-social behaviour from students

- Increased pressure on parking, ambulances etc. have trouble getting through. The property is not near a bus route so the occupants will likely have cars
- The property is being extended to facilitate the change of use
- Overgrown gardens and litter
- There is enough student accommodation along Lewes Road
- By granting this you would be going directly against what is outlined in the current city plan: (Healthy and Balanced Communities 2.5) In the city by 2030 we aim: 'To have helped to create more sustainable communities - by ensuring a mix of accessible and affordable new housing types and tenures in suitable locations, including family homes, which offer a good range of community facilities and with good access to jobs, key services and infrastructure thereby reducing the need to travel, and so build strong communities that get involved in influencing decisions.' You are creating an unbalanced housing estate by granting excessive HMOs and losing much needed family homes.

4.2 **Councillor Daniel Yates** objects to the application, a copy of the letter is attached to the report.

## 5. CONSULTATIONS

5.1 **Housing:** No comment

5.2 **Planning Policy:** No comment

5.3 **Sustainable Transport:** No objection

There will be a small increase in at least pedestrian trip generation associated with the site but this is not to an extent to refuse the application.

5.4 The applicant has offered to install a cycle store for 4 cycle parking spaces at the front of the site which meets the minimum requirements, but further details are required.

5.5 The site is outside of a controlled parking zone so there is free on-street parking available. There are also free on-street disabled parking bays in the vicinity of the site.

5.6 For this development of 6 bedrooms the maximum car parking standard is 2 spaces when rounded up (0.25 spaces per bedroom). Further details are required to assess the likely parking demand associated with the proposed development.

## 6. MATERIAL CONSIDERATIONS

6.1 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



6.2 The development plan is:

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

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

## 7. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP14 Housing density
- CP19 Housing mix
- CP21 Student housing and Housing in Multiple Occupation

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD27 Protection of amenity

#### Supplementary Planning Documents:

- SPD14 Parking Standards

## 8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the proposed extension on the design and character of existing property, the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.

### 8.2 **Principle of development:**

The development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals (in this case 6 bedspaces) who share basic amenities including a kitchen and bathrooms.

- 8.3 Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
- 8.4 'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where: More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'
- 8.5 A mapping exercise has taken place which indicates that there are 16 neighbouring properties within a 50m radius of the application property. None of these neighbouring properties have been identified as being in HMO use within the 50m radius.
- 8.6 The percentage of neighbouring properties in HMO use within the radius area is thus 0%, and as such the principle is accepted.
- 8.7 **Design and Appearance:**  
There is an existing utility / storeroom linked to the main dwellinghouse which would be converted into the kitchen. It is not clear whether this side projection is an extension or part of the original building. However, it has been in situ prior to 2012 and is therefore exempt from planning enforcement.
- 8.8 In order to facilitate the change of this utility room into a kitchen, the existing door to the utility area would be replaced by a horizontal window with surrounding brickwork to match the original.
- 8.9 This is not considered to cause harm to the character and appearance of the building, or the wider streetscene. No further external alterations are proposed.
- 8.10 Standard of accommodation:  
Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and air in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in the communal lounge.
- 8.11 The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan and relate to new build developments, they provide a useful guideline on

acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>.

- 8.12 The proposed layout would comprise a kitchen and open plan lounge/diner, shower room and two single bedrooms on the ground floor; and four single bedrooms and a shower room on the first floor.
- 8.13 The kitchen/lounge/diner would measure over 25m<sup>2</sup> and is considered to provide sufficient communal space for a maximum of 6 individuals. The kitchen area does provide the main access route to the rear garden. However, the most direct route would be along a blank wall without any cupboards and away from all kitchen equipment, and would therefore not unduly disturb anyone cooking or preparing food. All of the proposed bedrooms measure over 7.5m<sup>2</sup> and are considered to provide sufficient space and access to natural light and air as single occupancy rooms. There are also side and rear gardens providing further amenity space in the warmer weather.
- 8.14 The proposed standard of accommodation is therefore considered acceptable and offers future occupants a reasonable standard of living accommodation, in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.15 **Impact on Amenity:**
- 8.16 Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.17 The existing three bed property could be occupied by 4 or 5 family members within the existing use class. The occupancy will be restricted to 6 unrelated persons residing within the property. It is therefore not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.
- 8.18 The applicant is also proposing to install sound insulation to reduce the impact on the adjoining property. However this is not considered necessary to secure by conditions. Concerns have been raised about fire safety and structural safety, which are not material planning matters. However, this would be assessed under building regulations.
- 8.19 The overall percentage of HMO's within a 50m radius is 0% which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO on the area is not considered to cause harm to local amenity.
- 8.20 **Sustainable Transport:**  
No off street parking is offered for this development. Two parking spaces would be the maximum number of spaces for this development. The Sustainable

Transport Team has requested an assessment of the likely demand for parking. This is considered excessive and unduly onerous for a development of this small scale.

- 8.21 Secure cycle storage facilities are proposed but further details are required regarding the method for supporting and securing the cycles within the store and any other matters necessary to satisfy the highway authority requirements; these details will be secured by condition.
- 8.22 The proposed scheme is not considered to result in any significant increase in pedestrian or vehicle trip generation.

## **9. EQUALITIES**

- 9.1 None identified

Sent: 31 August 2017 22:14

**Planning Application - BH2017/02434**

Comment reference number: 1067848

I object to the Planning Application

**Sender's details**

Cllr Daniel Yates

**Comment**

Reasons for objection: The impact of this HMO on the surrounding residents, community and properties could be significant:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation.

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one. Especially the requirements and the council's ability to meet its housing needs assessment. I note that they are over 14% HMO licenses current in place in this community and I hope that their impact on the 10% rule is properly taken into consideration. I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm. " Should the recommendation on this application be to approve I would like this application to come to committee please.

Should the committee be minded to approve this application I would ask them to consider the removal of permitted development rights to ensure that any subsequent enlargement of alteration be fully considered before being approved for development on this site.



# **ITEM I**

**Heath Hill Avenue, Brighton**

**BH2017/02836**

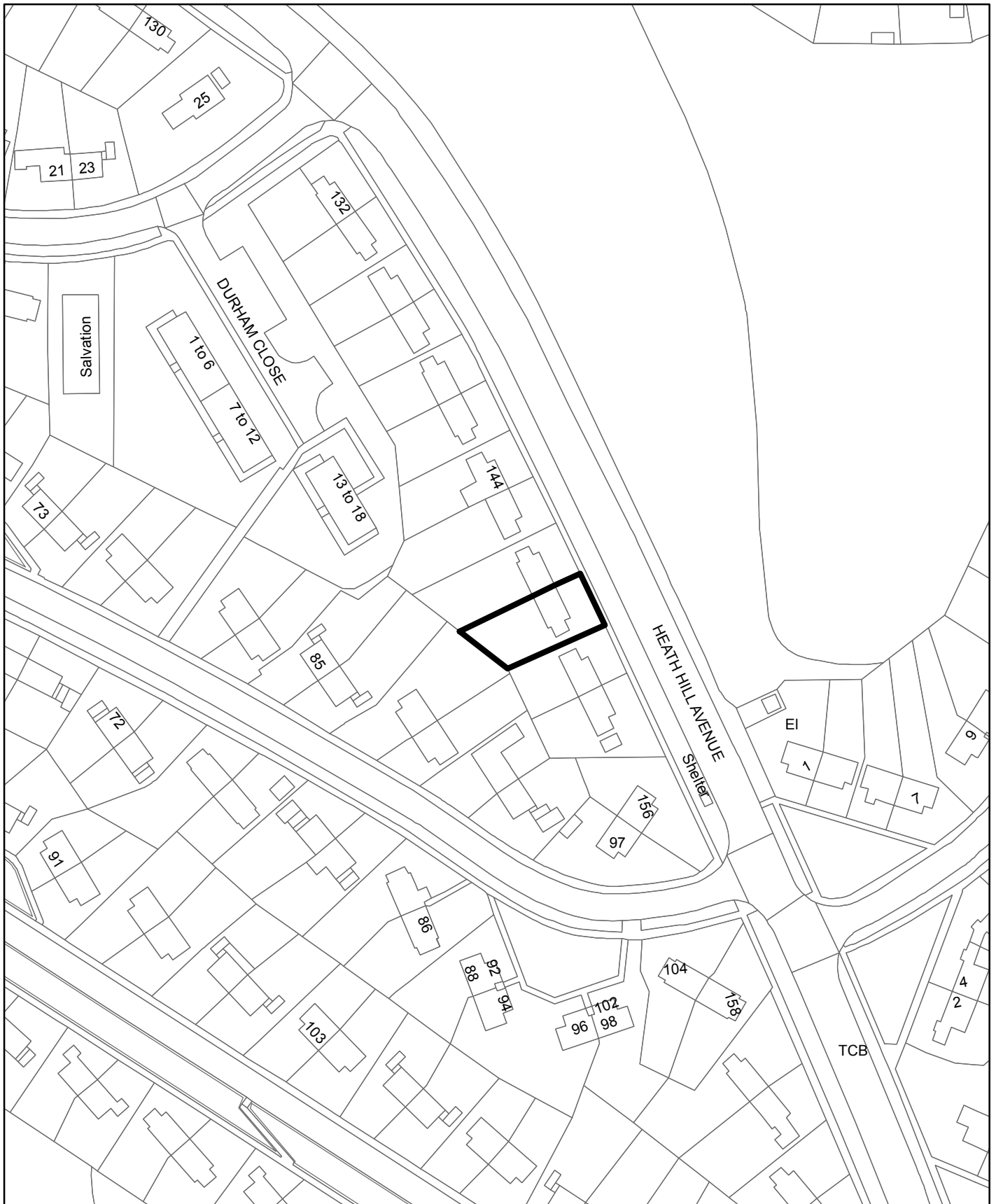
**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**





# BH2017/02836 150 Heath Hill Avenue, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/02836</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>150 Heath Hill Avenue Brighton BN2 4LS</b>		
<b><u>Proposal:</u></b>	<b>Change of use from four bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4), associated (retrospective) erection of a single storey rear extension.</b>		
<b><u>Officer:</u></b>	Charlotte Bush, 292193	tel: <b><u>Valid Date:</u></b>	22.08.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	17.10.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	WSE Property Services Ltd C/o Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

## 1. RECOMMENDATION

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

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			22 August 2017
Floor plans/elevations/sect proposed	EAD/0022/17/12		22 August 2017
Floor Plans Proposed	EAD/0022/17/13		22 August 2017

2. Within three months of the approval hereby given, 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 within one month of the details being agreed, and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
3. The kitchen and dining areas as detailed on 'EAD/0022/17/12' received on the 22/08/2017 shall be retained as communal space at all times and shall not be used as a bedroom.

**Reason:** to ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

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

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a two storey semi-detached house on the western side of Heath Hill Avenue. The property is not located in a conservation area. However, there is an Article Four Directive present which restricts the change of use from C3 single dwellinghouse to C4 small HMO.
- 2.2 This is a retrospective application for change of use from a four bedroom single dwelling house (C3 use class) to a 6 bedroom small house in multiple occupation (HMO) in C4 use class. The house was occupied by six individuals at the time of the Officer's inspection on the 6/10/2017.
- 2.3 The property has been extended with a single storey rear extension measuring 2.77m to the top of the eaves, 11.2m wide and projecting 2.9m from the original rear elevation. Building Control received an initial notice for the single storey rear extension on the 07/06/2017. An application for a 6 bedroom HMO licence was applied for on the 12/09/2017. Give this timeline, it is considered that the single storey rear extension was built to facilitate the change of use to a small HMO, and the extension is therefore considered as part and parcel of the works and will be assessed as part of this application. The description has been amended accordingly.

**3. RELEVANT HISTORY**

**2017/04238/HMOADD/PS** - HMO Licence for 6 occupants applied for on the 12.09.2017

**2017/1477/IN** - Building Control initial notice for a single storey rear extension received on the 07.06.2017

#### **4. REPRESENTATIONS**

4.1 Thirty one (31) letters have been received objecting the proposed development for the following reasons:

- We need to protect Bevendean, there are too many HMO's full of disruptive students.
- Loss of local amenities such as doctors, nurseries, local churches, community centres, youth centres and schools
- Houses and gardens are being neglected
- Noise and anti-social behaviour
- The frequent changing of residents is losing the community feel
- Children can't play outside
- There are so many students that we can't even get on the busses in the morning
- Existing parking and traffic problems will be exacerbated
- Rubbish bins are overflowing and there is litter everywhere
- In their planning statement no. 8.6. "We have undertaken an assessment as to the number of HMOs within a 50m radius of 72 Stephens Road." the planning application is for 150 Heath Hill Avenue and therefore this statement is totally invalid and their claim that there are no HMO's within a 50m radius should be discounted. (N.B. The planning statement has since been amended)
- By granting this application you would be going against the City Plan which states that it aims to maintain balanced communities
- Councillors should visit the area

4.2 **Councillor Daniel Yates** objects to the application, a copy of the letter is attached to the report.

#### **5. CONSULTATIONS**

5.1 **Housing:** No comment

5.2 **Planning Policy:** No comment

5.3 **Sustainable Transport:** No comment

#### **6. MATERIAL CONSIDERATIONS**

6.1 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

6.2 The development plan is:

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

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP19 Housing mix

CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development

TR14 Cycle access and parking

SU10 Noise Nuisance

QD27 Protection of amenity

#### Supplementary Planning Guidance:

SPD14 Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, the design and appearance of the single storey rear extension, and transport issues.

### 8.2 Principle of Development:

The development is for retrospective change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals (in this case 6 bedspaces) who share basic amenities including a kitchen and bathrooms.

8.3 Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

8.4 'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city,

applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- 8.5 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.'
- 8.6 A mapping exercise has taken place which indicates that there are 20 neighbouring residential properties within a 50m radius of the application property. No neighbouring properties have been identified as being in HMO use within the 50m radius.
- 8.7 The proposal to change to a C4 HMO would therefore be in accordance with policy CP21.

**8.8 Standard of Accommodation**

Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and air in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in the communal lounge.

- 8.9 The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>.

- 8.10 The ground floor layout comprises:  
Bedroom 1: 10.94m<sup>2</sup>  
Bedroom 2: 13.42m<sup>2</sup>  
Bedroom 3: 8.46m<sup>2</sup>  
Open plan lounge/kitchen/dining room: 32.44m<sup>2</sup>  
Shower room  
Separate W.C

The first floor layout comprises:

Bedroom 4: 7.83m<sup>3</sup>  
Bedroom5: 12.86m<sup>2</sup>  
Bedroom 6: 10.96m<sup>2</sup>  
Bathroom

- 8.11 The kitchen/lounge/diner would measure over 32.44m<sup>2</sup> and is considered to provide sufficient communal space for 6 individuals. All of the proposed bedrooms measure over 7.5m<sup>2</sup> and are considered to provide sufficient space and access to natural light and air as single occupancy rooms.
- 8.12 The proposed standard of accommodation is therefore considered acceptable and offers current and future occupants a reasonable standard of living accommodation, in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.13 **Design and Appearance:**  
Building Control records received an application for the single storey rear extension on the 07/06/2017. Private Sector Housing received an application for a 6 bedroom HMO licence at this address on the 12/09/2017. The extension was therefore built to facilitate the change of use and is consequently considered as part and parcel of this application.
- 8.14 The rear extension measures 2.77m to the top of the eaves and 3.4m to the top of the three roof lanterns; projects 2.9m from the original rear elevation, is 11.2m wide and adjoins a single storey side projection which may be part of the original building (several other properties have similar-styled side projections, and 'Google Streetview' shows that the side projection has been in situ since at least 2009). The side projection may therefore be part of the original dwelling.
- 8.15 The scale of the rear extension is in proportion with the existing dwelling and overall the rear extension is not considered to cause any harm to the character and appearance of the host property or the wider streetscene.
- 8.16 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.17 The existing four bed property could be occupied by 5 or 6 family members within the existing use class. The occupancy will be restricted by the C4 use class to 6 unrelated persons residing within the property. It is therefore not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.
- 8.18 The overall percentage of HMO's within a 50m radius is 0% which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO in the area is not considered to cause harm to local amenity.
- 8.19 The rear extension measuring 2.77m to the top of the eaves and less than 3m deep is not considered to cause harm to neighbouring amenity at the adjoining property No. 148 Heath Hill Avenue in terms of overlooking, loss of privacy,



overshadowing or loss of privacy. The extension is situated approximately 14m from the rear boundary line and 2 metres from the boundary to No.152 Heath Hill Avenue. The proposed rear extension is therefore considered to be of a sufficient distance way from these neighbouring properties to not cause any harm to neighbouring amenity.

**8.20 Sustainable Transport:**

Secure cycle parking facilities have not been presented as part of this application, and will be secured by condition.

8.21 There is no off-street parking proposed with the application in-line with the current arrangement, which is considered acceptable.

8.22 There is not forecast to be a significant increase in pedestrian or vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal so the application is deemed acceptable.

**9. EQUALITIES**

9.1 None identified



COUNCILLOR REPRESENTATION

Sent: 21 September 2017 17:32

**Planning Application - BH2017/02836**

Comment reference number: 1068691

I object to the Planning Application

**Sender's details**

Cllr Daniel Yates

**Comment**

Reasons for objection: The impact of this HMO on the surrounding residents, community and properties could be significant:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation.

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one. Especially the requirements and the council's ability to meet its housing needs assessment. I note that they are over 14% HMO licenses current in place in this community and I hope that their impact on the 10% rule is properly taken into consideration. I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm. " Should the recommendation on this application be to approve I would like this application to come to committee please.

Should the committee be minded to approve this application I would ask them to consider the removal of permitted development rights to ensure that any subsequent enlargement of alteration be fully considered before being approved for development on this site.



# **ITEM J**

**9 Baywood Gardens, Brighton**

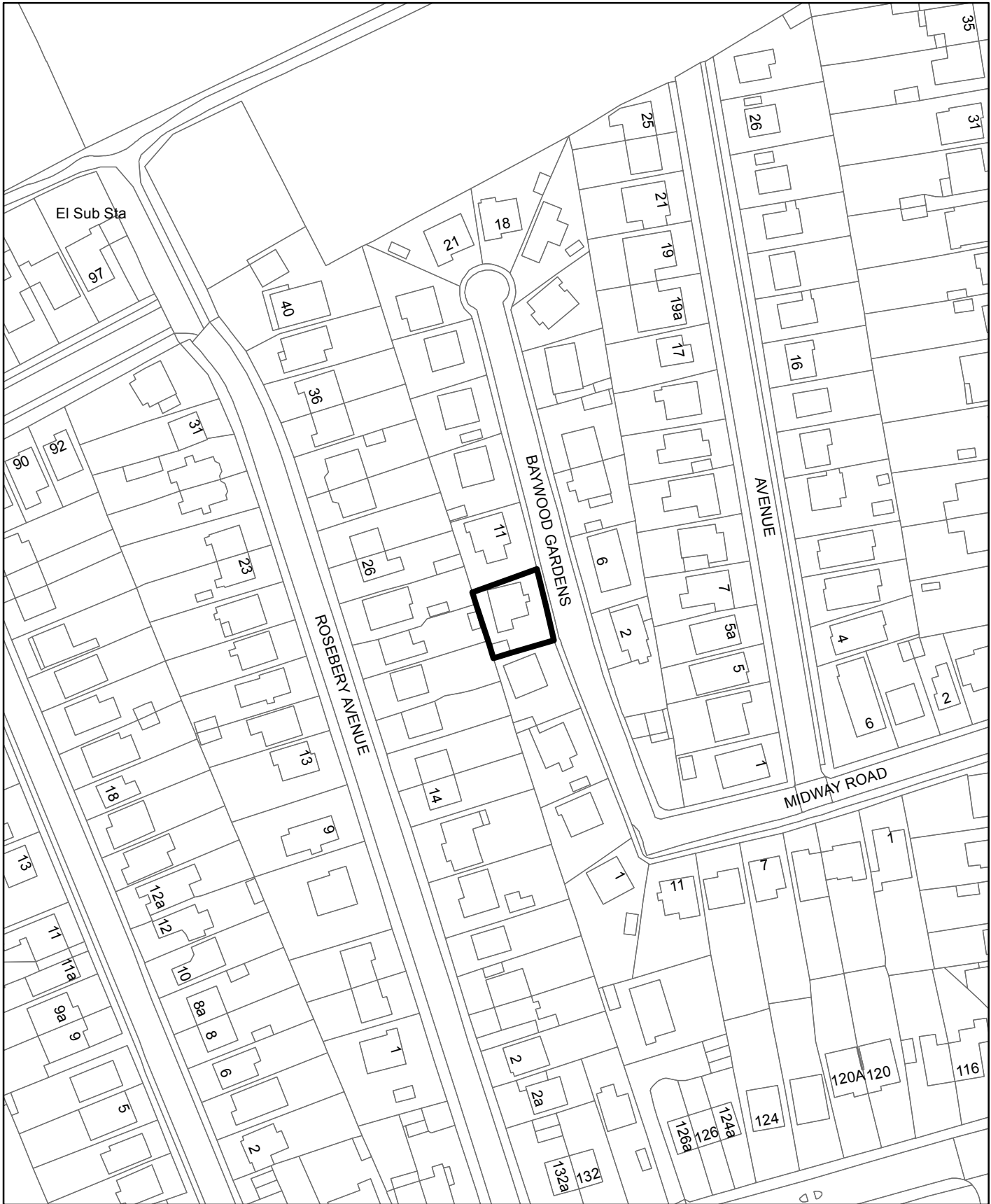
**BH2016/06421**

**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2016/06421 9 Baywood Gardens, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2016/06421</b>	<b><u>Ward:</u></b>	<b>Woodingdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>9 Baywood Gardens Brighton BN2 6BN</b>		
<b><u>Proposal:</u></b>	<b>Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis).</b>		
<b><u>Officer:</u></b>	Molly McLean, tel: 292097	<b><u>Valid Date:</u></b>	19.12.2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	13.02.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	15.11.2017
<b>Agent:</b>			
<b>Applicant:</b>	Ms Alison Carriban Flat 2 36 Adelaide Crescent Hove BN3 2JL		

## 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 use hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			9 December 2016
Floor Plans Proposed			19 December 2016
Other	SECTIONAL DRAWINGS		6 October 2017

- 2 The use 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 layout of the kitchen/dining room, tv room and utility room as detailed on the proposed floorplans received on 19th December 2016 shall be retained as communal space at all times and shall not be used as bedrooms at any time.

**Reason:** To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

- 4 The development hereby approved shall only be occupied by a maximum of eight persons.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

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

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 6 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 TR14 of the Brighton & Hove Local Plan.

Informatives:

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

## 2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a detached chalet bungalow on Baywood Gardens. The property contains seven bedrooms, one living/dining/kitchen area and a rear garden. Planning permission is sought for a change of use from a 6 bedroom small house in multiple occupation (C4) to a 7 bedroom house in multiple occupation (sui generis).

## 3. **RELEVANT HISTORY**

**BH2004/02826/FP:** Side extension with roof conversion to include two dormer windows to front and one dormer window to rear. Approved 04/11/2004.

**BH2004/01281/FP:** Loft conversion with extended dormer window to front elevation and dormer windows to rear. Front extension with partial conversion of existing garage. Refused 16/06/2004.

## 4. **REPRESENTATIONS**

- 4.1 Eight (8) letters of objection have been received raising the following points:

- The change of use will significantly exacerbate parking problems along the road
- The increase in occupants will add to existing problems with noise nuisance
- The extra cars will restrict emergency services access
- The change of use will change the character and community of the road
- The property has been overdeveloped
- The previous external works to the building has resulted in overlooking

4.2 One (1) letter has been received commenting on the application as follows:

- The applicant has visited neighbouring properties to discuss the application.

## 5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection.

5.2 **Car Parking** Whilst there is the potential for a small level of additional demand to arise on-street as a result of the extra bedroom, it is not considered that this would be of a level which could be deemed to amount to a 'severe' impact and therefore warrant refusal on these grounds under the National Planning Policy Framework.

5.3 **Cycle Parking**

The applicant has indicated that seven cycle parking spaces will be provided to the rear of the property. This is welcomed; however, further details are requested by condition.

5.4 **Trip Generation**

Given the increase of one bedroom, it is not expected that there would be a substantial uplift in trips and associated impact on surrounding transport networks.

## 6. MATERIAL CONSIDERATIONS

6.1 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.

6.2 The development plan is:

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

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP14	Housing density
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.

### **Principle of development:**

- 8.2 The application site is situated within the Woodingdean ward, in which there are no Article Four directives restricting permitted development rights for the change of use from a single dwellinghouse (C3) to a house in multiple occupation (C4) for up to six people. At present the property is lawfully in use as a six bedroom HMO.
- 8.3 Planning permission is sought for the addition of an extra bedroom in the property at ground floor level, for a maximum of eight occupants, which would change the use of the property from a six bedroom house in multiple occupation (use class C4) to a seven bedroom house in multiple occupation (use class Sui Generis).
- 8.4 Policy CP21 of the Brighton and Hove City Plan Part One states that:

*'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*

*- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*

- 8.5 A mapping exercise has been carried out showing that no other dwellings within 50m of the application site are currently in use as a HMO. The application therefore complies with Policy CP21 of the Brighton & Hove City Plan.

**Standard of accommodation:**

- 8.6 The property at present includes six bedrooms (three of which have en-suite bathrooms), two W.C/shower rooms, a store room, a kitchen/dining area and sitting room and a rear garden. The application seeks to convert the existing store room at ground floor level to a bedroom, resulting in a total of seven bedrooms. There would not be any significant changes to the internal layout of the property as a result of the proposal.

- 8.7 As annotated on the proposed floor plans, the floorspace of each bedroom above 1.5m head height (excluding en suite bathrooms) is as follows:

Bedroom one: 10.5m<sup>2</sup>  
Bedroom two: 10.9m<sup>2</sup>  
Bedroom three: 12m<sup>2</sup>  
Bedroom four: 8.2m<sup>2</sup>  
Bedroom five: 11.6m<sup>2</sup>  
Bedroom six: 11.8m<sup>2</sup>  
Bedroom seven: 11.9m<sup>2</sup>

- 8.8 The Local Planning Authority do not have an adopted policy on minimum room sizes, however the space standard as set out in Government's 'Nationally Described Space Standards' do provide a reasonable indication of minimum floor areas for single and double bedrooms. This document states that a single bedroom providing one bedspace should have a floor area of at least 7.5m<sup>2</sup> and a double bedroom providing two bedspaces should have a floor area of at least 11.5m<sup>2</sup>. As proposed, three bedrooms exceed the standard for single bedrooms and four bedrooms exceed the standard for double bedrooms.

- 8.9 Each bedroom receives good levels of natural light and provides adequate outlook for occupants. The communal sitting room and kitchen/dining area has a floor area of 22m<sup>2</sup> and provides sufficient space for cooking, dining and socialising for eight occupants. This was evident during a site visit whereby a dining table and chairs proving eight spaces was evident, as well as additional seating in the sitting area. The rear garden area provides suitable private amenity space. It is considered necessary to restrict the number of occupants so that the impact of an additional number of occupants can be assessed.

- 8.10 Overall the property represents a good standard of accommodation for up to eight occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan. A condition is recommended restricting the occupants of the property to a maximum of eight.

- 8.11 The benchmark floorspace for a double bedroom as laid out in nationally described space standards is 11.5m<sup>2</sup>. There are three bedrooms that comply with this standard. Given that occupancy is restricted to eight persons by condition, only one bedroom could be occupied by two persons.

**Impact on neighbouring amenity:**

- 8.12 The property at present is lawfully in use as a six bedroom HMO as it complies with permitted development rights. It is acknowledged that use of the property as an HMO inevitably results in increased comings and goings from the plot and associated noise nuisance. In this instance however it is considered that the net increase of one bedroom, with a maximum of two occupants, is unlikely to significantly exacerbate the noise levels that exist at present and any potential increase in noise is not of a magnitude to warrant refusal of the application. The impact of the change of use is further mitigated by the fact that the property is detached and there is a suitable separation distance to neighbouring buildings.
- 8.13 There are no other HMOs within a 50m radius of the property therefore a mixed and balanced community would be retained in the area.
- 8.14 No external works are proposed in this application, therefore no physical harm to the amenity of neighbours would result in terms of overshadowing or overlooking.

**Transport issues:**

- 8.15 The concerns around increased pressure on parking are acknowledged. The applicant proposes three car parking spaces and the Transport Officer has confirmed that a net increase of one bedroom would not result in severe pressure on parking in the area, which is outside a controlled parking zone with on-street parking available for occupants. The potential issues with parking are therefore not of a magnitude to warrant refusal of the application.
- 8.16 Details of secure cycle parking are recommended to be secured by planning condition in order to comply with Brighton & Hove Local Plan policy TR14. Cycle parking should be secure, convenient to access and, wherever possible, covered. The Highway Authority's preference is for the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22.

**9. EQUALITIES**

- 9.1 None identified.

# **ITEM K**

**1 Furzedene, Furze Hill, Hove**

**BH2017/02176**

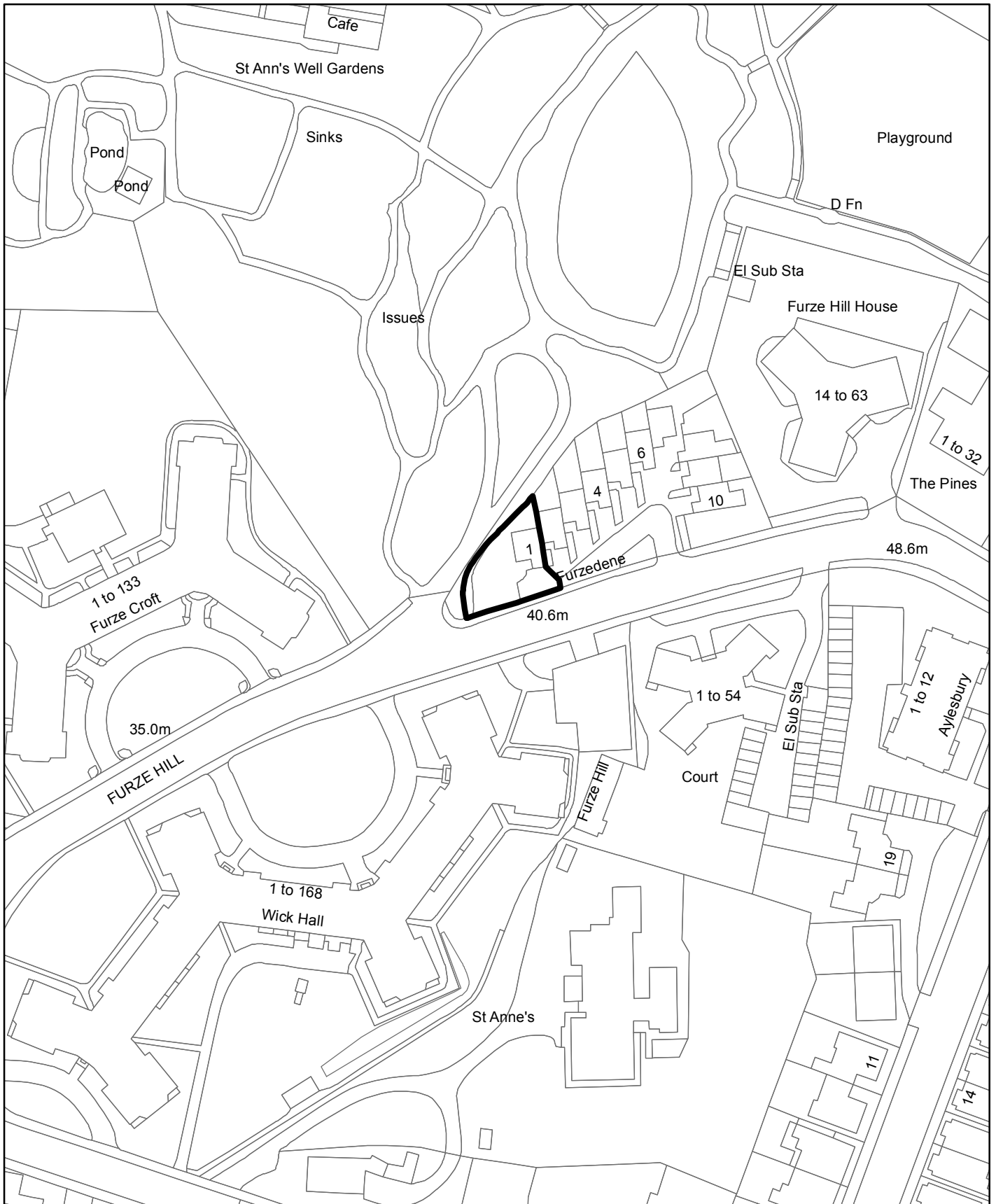
**Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**





# BH2017/02176 1 Furzedene, Furze Hill, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/02176</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1 Furzedene Furze Hill Hove BN3 1PP</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no three storey house (C3) adjoining existing house.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 292359	tel: <b><u>Valid Date:</u></b>	04.07.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	29.08.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	15.11.2017
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Ms Celine Byrne C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	001		28 June 2017
Floor Plans Proposed	110A		23 October 2017
Elevations Proposed	210A		23 October 2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- Samples of all render and tiling (including details of the colour of render/paintwork to be used)
  - Details of all hard surfacing materials
  - Details of the proposed windows and doors

d) Details of balustrading to front terrace

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

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

- 4 No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5 The first and second floor windows in the rear (north) elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan
- 6 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.  
**Reason:** This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
- 7 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 by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed 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 the National Planning Policy Framework

- 8 Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (tactile paving at existing dropped kerbs) shall have been installed at the junction of and across Lansdowne Road (east) with Furze Hill and at the junction of and across Lansdowne Road (west) with Furze Hill and at the junction of and across York Avenue (north) with Furze Hill and at the junction of and across York Avenue (south) with Furze Hill.  
**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.
- 9 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 TR14 of the Brighton & Hove Local Plan.
- 10 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) Details of all hard and soft surfacing;
  - b) Details of all boundary treatments;
  - c) Details of all proposed planting
- All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One
- 11 The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan

- 12 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

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 planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out for the benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of condition 5.

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 This application relates to a site on the northern side of Furze Hill accessed via a private road in which 10 terraced properties are situated. The application site is positioned to the end of the road and features a wrap-around garden which primarily lies to the south west of the existing property. The property is not located with a conservation area.

## 3. RELEVANT HISTORY

**BH2009/01780:** Erection of single storey rear extension. Refused September 2009.

**BH2002/01540/FP:** Single storey dining room extension with roof terrace and single storey front entrance lobby extension. Approved July 2002.

## 4. REPRESENTATIONS

- 4.1 Nine (9) letters have been received objecting to the proposed development for the following reasons:

- Access into Furzedene is already restricted
- The proposed parking spaces would make access to neighbouring properties impossible
- The construction works may result in damage to neighbouring properties and the boundary wall which retains Furzedene Road.
- Access to emergency vehicles would be compromised
- Parking in the road is already a problem
- The new house footprint appears larger than No.1
- The parking layout would result in hazardous access to pedestrians
- Noise and disturbance from construction
- The proposal would restrict access to the communal parking bays on the road
- The proposed dwelling is on land which may be structurally unstable

- 4.2 One (1) letter of comment has been received raising concerns over the following:

- The access and amount of construction vehicles
- Are there other possible access routes for the construction vehicles?

## 5. CONSULTATIONS

- 5.1 **Sustainable Transport:** No objection

The Highway Authority has no objections to this application subject to the inclusion of necessary conditions:

- Installation of pedestrian crossing improvements

- Full details of cycle parking

5.2 **County Archaeology:** No objection subject to condition

The proposed development is within an Archaeological Notification Area defining an area of prehistoric, Roman and post-medieval activity. The underlying geology is sand tertiary beds, a free draining geology that attracted significant focus for activity in the Mesolithic and Neolithic periods, including flint knapping sites. In the 19th century the site appears to be part of the gardens of a former large Victorian town house. The application includes no heritage information and does not even acknowledge the sites location within an Archaeological Notification Area.

- 5.3 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England).

**6. MATERIAL CONSIDERATIONS**

- 6.1 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

- 6.2 The development plan is:

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

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

**7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport



CP12 Urban design  
CP14 Housing density

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

TR7 Safe Development  
TR14 Cycle access and parking  
QD5 Design - street frontages  
QD15 Landscape design  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD14 Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development to the wider street scene, the standard of accommodation provided and any potential impact to the amenities of neighbouring properties, in addition to transport and sustainability issues.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 **Design and Appearance:**  
This application seeks permission for the construction of a new dwelling within the existing garden space of No.1 Furzedene. The proposed dwelling is positioned adjacent to the existing property, adjoining its western elevation. The character of Furzedene is such that properties are at an elevated position set behind a retaining wall facing onto Furzehill. No's 1-7 Furzedene form a terraced group with properties positioned on a staggered building line. The proposed dwelling follows the prevailing pattern of the road, being situated forward of the existing property to the site.
- 8.4 The new dwelling follows the design characteristics of the existing terrace with a ridge height and eaves level to match that of adjacent properties. Furthermore the property incorporates clay tiles and brickwork to match. The placement of the fenestration, particularly to the front and rear elevations has been designed to mimic that of the existing property with white rendered panels to ensure a uniform appearance to this terrace group.

- 8.5 To the front of the property a full width car port is proposed with a terrace above. Whilst there are no other examples of car ports within the vicinity of the site, it is noted that adjacent properties feature ground floor garage projections with terraces situated above. As such the addition of a structure at ground floor level to this elevation is not considered to result in visual harm to this group of properties.
- 8.6 The dwelling proposed incorporates a design and materials which reflect that of existing properties within the streetscene and overall it is considered that the property would be in compliance with Policy CP12 of the Brighton and Hove Local Plan.
- 8.7 **Standard of accommodation:**  
This application proposes a new end of terrace property with habitable living accommodation across three floors. The ground floor comprises of an open plan kitchen/dining/living area, utility room and W/C. At first floor level is the master suite with en-suite bathroom. There is also a home office which would be capable of becoming a fourth bedroom. At second floor level are two further bedrooms and a family bathroom.
- 8.8 It is considered that the unit as a whole provides suitable family accommodation which provides sufficient circulation space. Furthermore each habitable room proposed benefits from natural light, outlook and ventilation.
- 8.9 To the south west of the new property is a garden area access via bi-folding doors from the primary living area at ground floor. Whilst this garden is positioned to the side of the property, given the elevated position of the site above Furze Hill, this space is considered to provide adequate privacy for future occupiers. The accommodation provided is therefore in compliance with Policy QD27 of the Brighton and Hove Local Plan.
- 8.10 In addition to the front of the property accessed via the first floor is a terraced area, positioned over the proposed car port. It is considered that these external amenity spaces provide sufficient outdoor space for future occupiers in accordance with HO5.
- 8.11 The new dwelling results in the subdivision of the existing garden space to No.1. The resultant private amenity space of No.1 is considered acceptable and would still provide useable private amenity space to the occupiers of this property.
- 8.12 Furthermore the property backs onto St Ann's Well Gardens which would provide additional outdoor recreation space within close proximity of the both properties.
- 8.13 Landscaping:  
The proposed plans incorporate new boundary treatments to the southern side of the property. The plans also indicate planting and new garden area to the side of the dwelling proposed. Final details, including all boundary treatments and proposed planting will be secured by condition.

- 8.14 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.15 The proposed new dwelling is positioned adjacent to the western elevation of No.1 Furzedene. The terraced properties within Furzedene are positioned on a staggered building line and therefore as a result the property follows the prevailing pattern of development.
- 8.16 The existing west facing fenestration to No.1 Furzedene remains unaffected by the proposed development given that the rear building line of the new property is positioned further south than that existing. In addition the outlook to the rear of the property will not be materially affected.
- 8.17 The principal outlook of the new dwelling is to the south and west with views overlooking the streetscene, as such no increased levels of overlooking or loss of privacy would result to neighbouring occupiers. At first and second floor level small narrow windows are proposed which face out onto the rear garden space of No.1; however given that these rooms serve bathrooms these windows are not considered to cause additional harm to the amenities of this property.
- 8.18 At first floor level to the front elevation is a proposed terrace which provides views onto Furze Hill. A front balcony is characteristic of this terrace group with examples adjacent. The proposed terrace is inset from the eastern elevation and is further separated from the existing terrace at No.1 by a ground floor extension. As such it is not considered that the terrace proposed would provide views into neighbouring properties.
- 8.19 The proposed development is therefore not considered to result in harmful impact to the amenities of neighbouring properties in accordance with Policy QD27 of the Brighton and Hove Local Plan.
- 8.20 **Sustainable Transport:**  
In accordance with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One pedestrian crossing improvements (tactile paving at existing dropped kerbs) are requested at the junction of and across Lansdowne Road (east) with Furze Hill and at the junction of and across Lansdowne Road (west) with Furze Hill and at the junction of and across York Avenue (north) with Furze Hill and at the junction of and across York Avenue (south) with Furze Hill. This is to improve access to and from the site to the various land uses in the vicinity of the site.
- 8.21 For this development of 1 residential unit with 3 beds the minimum cycle parking standard is 2 cycle parking spaces in total. Full details of the proposed cycle parking are secured by condition.

8.22 The proposed level of car parking is in line with the maximum standards and is therefore considered acceptable. Also the site is located within a Controlled Parking Zone that would limit the opportunities for overspill parking. It is therefore unlikely that there will be a significant impact on the highway network within the vicinity of the site or further afield.

8.23 The application site is positioned on an unadopted private road and therefore vehicular parking and access arrangements are a civil matter.

8.24 **Sustainability:**

Policy CP8 of the Brighton and Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition.

**9. EQUALITIES**

9.1 It is recommended that access standards as required by Policy H013 be secured by planning condition.

# **ITEM L**

**9 Hillside Way, Brighton**

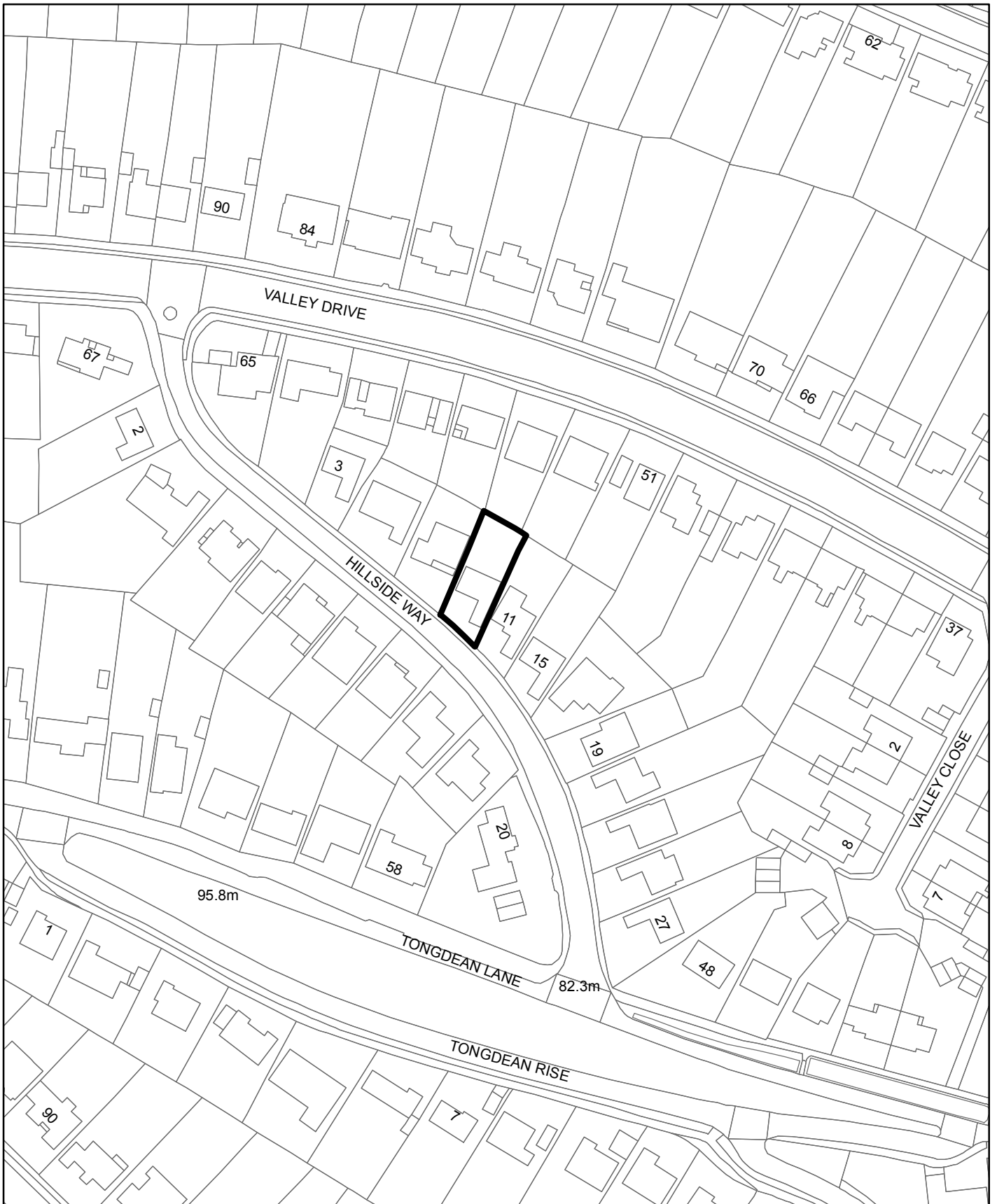
**BH2017/02732**

**Removal or Variation Of Condition**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2017/02732 9 Hillside Way, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2017/02732</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>9 Hillside Way Withdean Brighton BN1 5FE</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 1 of application BH2016/06527 (Creation of roof extension with raised ridge height and rear dormers.) to allow amendments to the approved drawings.</b>		
<b><u>Officer:</u></b>	Ayscha Woods, 292322	tel:	<b><u>Valid Date:</u></b> 11.09.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	06.11.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	15.11.2017
<b><u>Agent:</u></b>	ADC Ltd 72A Beaconsfield Road Brighton BN1 6DD		
<b><u>Applicant:</u></b>	Mr M Twibill 9 Hillside Way Withdean Brighton BN1 5FE		

**1. RECOMMENDATION**

**GRANT** planning permission, subject to the following conditions and informatives:

Conditions:

- The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Email	NO CHANGES BELOW MAIN ROOF EAVES	-	17 October 2017
Location Plan	-	-	14 December 2016
Floor plans/elevations/sect proposed	ADC1014/01	-	14 August 2017

- The development hereby permitted shall be commenced before 7th April 2020.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

Informatives:

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

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

2.1 The application site is comprises a two storey detached house located to the north side of Hillside Way.

2.2 Permission is sought for the variation of condition 1 of application BH2016/06527 (Creation of roof extension with raised ridge height and rear dormers) to allow amendments to the approved drawings which includes the installation of 1 rooflight to the front and 2 rooflights to the flat section of the main roof. .

## **3. RELEVANT HISTORY**

**BH2016/06527** - Creation of roof extension with raised ridge height and rear dormers - Approved - 07/04/17

**BH2016/02884** - Creation of roof extension with front rooflights and rear dormers - Refused - 22/09/16

## **4. REPRESENTATIONS**

4.1 Five (5) letters has been received, objecting to the proposed development for the following reasons:

- Raised ridge height out of character with surrounding area
- Loss of light
- Overlooking
- Loss of privacy
- Loss of view

## **5. CONSULTATIONS**

5.1 None

## **6. MATERIAL CONSIDERATIONS**

6.1 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

6.2 The development plan is:

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

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

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of amenity

#### Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

## 8. CONSIDERATIONS & ASSESSMENT

8.1 The approved scheme was granted (BH2016/06527) on 7 April 2017. The Local Planning Authority considered the scheme to be acceptable in all regards and secured various details and measures by planning conditions. Whilst this permission remains extant, it must be considered whether circumstances policy or practice has changed significantly since the time this decision was taken.

8.2 In this case it is considered that the policy context has not changed substantially in regard to the design and appearance and amenity issues. Overall it is considered that there is no justifiable reason to take a decision contrary to that made previously by the Local Planning Authority subject to an assessment that the changes are acceptable.

8.3 The considerations to be taken into account in this application solely relate to the changes to the variation of condition 1 of the previous permission.

### 8.4 **Proposed Variation of Condition 1:**

This application seeks to make the following amendments to application BH2016/06527:

- The addition of 1no. rooflight to the front roofslope and 2no. rooflights to the flat section of the roof.

### 8.5 **Design and Appearance:**

The proposed rooflights are considered suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with

policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance. In addition, it is noted that there are examples of rooflights to the front roofslope within the streetscene, including the neighbouring property no. 7 adjacent. As such, the rooflight to the front is considered acceptable.

**8.6 Impact on amenity:**

The impact of the proposed rooflights on the adjacent properties at 7 and 11 Hillside Way has been fully considered in terms of daylight, sunlight, outlook and privacy and following a site visit no significant harm has been identified.

**8.7 Other matters:**

Objections have been raised regarding the proposed raised ridge height and dormers on the grounds of overlooking, loss of privacy, loss of light, loss of view, and concerns that the proposal would be out of character with the surrounding properties. The raised ridge height and rear dormers were approved under the previous scheme (BH2016/06527). The ridge height approved, and rear dormers would not be altered under this scheme. It is considered that the proposed rooflights would not significantly alter the appearance of the approved scheme and would not result in a harmful impact on the character of the area. There would be no additional impact on the amenity of the properties adjacent to the front or rear.

**9. EQUALITIES**

9.1 None identified

# **ITEM M**

**9 Dyke Close, Hove**

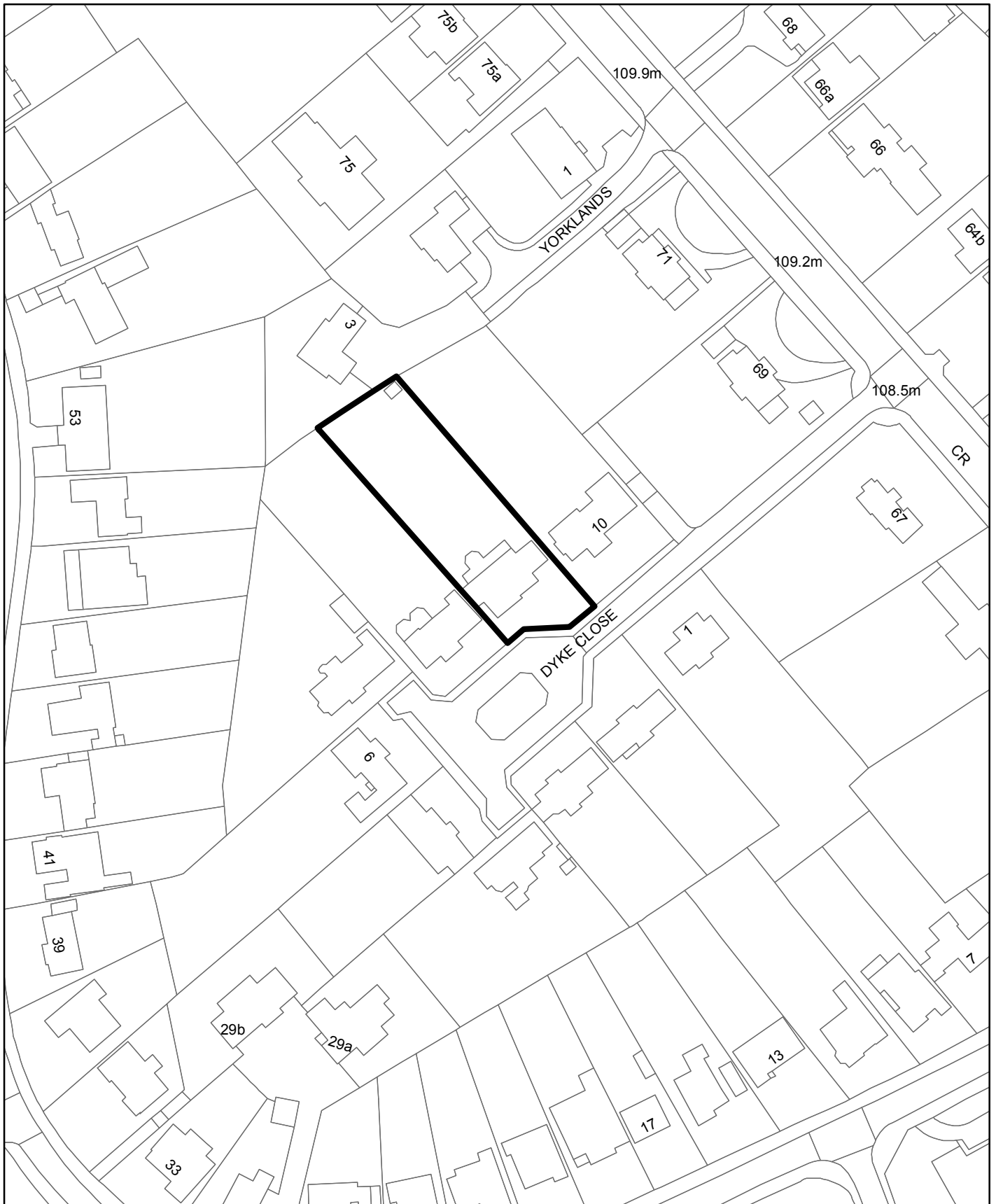
**BH2017/02736**

**Householder Planning Consent**

**DATE OF COMMITTEE: 8<sup>th</sup> November 2017**



# BH2017/02736 9 Dyke Close, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2017/02736</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>9 Dyke Close Hove BN3 6DB</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension with rooflights, first floor side extension, roof alterations incorporating front and side rooflights and rear dormer.</b>		
<b><u>Officer:</u></b>	Ayscha Woods, 292322	tel:	<b><u>Valid Date:</u></b> 15.08.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	10.10.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Insight Planning Ltd 5 Beechwood Avenue Brighton BN1 8ED		
<b><u>Applicant:</u></b>	Emmanuel Lazanakis 9 Dyke Close Hove BN3 6DB		

**1. RECOMMENDATION**

**GRANT** planning permission, subject to the following conditions and informatives:

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	14 August 2017
Block Plan	1686/2086	B	14 August 2017
Floor plans and elevations proposed	1686/2086	B	14 August 2017
Floor Plans Proposed	1686/2087	B	14 August 2017

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

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

Informatives:

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

## **2. RELEVANT HISTORY**

**BH2005/00435/FP** - Replacement conservatory to rear of property - Approved - 22/03/05

## **3. CONSULTATIONS**

3.1 None

## **4. REPRESENTATIONS**

4.1 One (1) letter has been received supporting the proposed development on the following grounds:

- Respects the character and appearance of the surrounding area
- Enhances the overall appearance of the area

4.2 Two (2) letters have been received, objecting to the proposed development on the following grounds:

- Impact on outlook
- Loss of light
- Overlooking and loss of privacy
- Overdevelopment
- Out of character with the area
- Extension has potential to be used for commercial purposes resulting in noise disturbance

4.3 Councillor Brown has requested this application is determined by the Planning Committee if the application is recommended for approval. A copy of the letter is attached to the report.

## **5. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

## **6. CONSIDERATIONS & ASSESSMENT**

6.1 **Design and Appearance:**

The application site is located to the northwest side of Dyke Close. The close is characterised by large detached buildings which fill the majority of the width of spacious plots.

- 6.2 Permission is sought for the erection of a first floor side extension, two single storey rear extensions and roof alterations incorporating rooflights and a rear dormer.
- 6.3 The first floor extension would sit above the existing garage structure and would be set back from the frontage, set down from the ridgeline of the main dwellinghouse and would be subservient to the main dwellinghouse. The extension would add additional bulk to the north-east side elevation, however given the size of the plot and the character of buildings which fill the widths of the plots within the vicinity, it is not considered to be out of character with the area.
- 6.4 As existing the property has a large conservatory to the rear which measures a maximum of 6.0m from the rear elevation of the host property. The proposed depth of the first single storey extension to the south-western side of the property would not project beyond the depth of the existing conservatory.
- 6.5 The second single storey extension to the north-east side of the property would introduce additional floorspace which would measure 7.5m in depth from the rear elevation of the existing garage and no. 10 adjacent. Whilst it is acknowledged that the depth of the extension is large, given the large plot size, the depth of the single storey element of the proposal is considered acceptable in this instance.
- 6.6 The proposed centrally located rear dormer with a pitched roof would be a subordinate addition, set appropriately in the roofspace, well off the sides, ridges and eaves of the roof in accordance with guidance contained within SPD12. The proposed rooflights are also acceptable.
- 6.7 Overall, the design of the proposed extensions is accepted, in accordance with policy QD14 of the Brighton & Hove Local Plan.
- 6.8 **Impact on Amenity:**  
An objection has been raised from no. 10 Dyke Close adjacent to the north-east with concerns regarding overlooking and loss of privacy. As previously mentioned, the properties in the streetscene fill most of the width of the plots, which allows mutual overlooking across gardens. A level of overlooking is expected in a location with houses within a close proximity such as this.
- 6.9 The proposed rear dormer would be set well away from the boundary with no. 10 and would not result in a harmful level of overlooking.
- 6.10 The objection also relates to the impact of the proposal on the rear and side facing windows of no. 10. The objection makes reference to the 45 degree rule outlined in our Supplementary Planning Document 12: Design Guide for Extensions and Alterations. With reference to this rule, it has been suggested

that the two storey element of the proposal would impact on the side facing window. Whilst it is noted that there would be an impact on the side facing window from the two storey element of the proposal, this window is a secondary window which serves a living room as stated within the representation from no. 10, which is also served by a large rear facing window. Therefore the room would retain sufficient light and outlook that would not result in a harmful impact.

- 6.11 The objection also states that the depth of the single storey extension there would result in an overbearing impact on the rear ground floor window. It is acknowledged that the extension is large in depth, however, the extension would be single storey in height with a crown roof, and would be set away from the boundary with no. 10 by 1m. In addition, the extension would be heavily screened with boundary fencing and vegetation. As such, it is considered that the extension would not result in a significantly overbearing impact and is unlikely to have a significantly harmful impact on the outlook and loss of light of no. 10.
- 6.12 The impact on no. 8 adjacent to the south-west has also been assessed. The proposed extension to south-western side of the rear of the host property would be single storey in height, set away from the boundary of no. 8 and would be sufficiently shielded by high vegetation screening. In addition, the bulk of the extension relates to the north-eastern side of the host property and would therefore not result in a harmful impact on no. 8.
- 6.13 **Other Matters:**  
It is noted an objection has been raised with concerns of the proposal being used for the purpose of a dental practice. No information submitted suggests that a change of use is proposed and therefore this application is assessed only as a residential unit.

## **7. EQUALITIES**

- 7.1 None identified

COUNCILLOR REPRESENTATION

From: Vanessa Brown  
Sent: 09 September 2017 16:55  
To: Planning Comments  
Subject: BH 2017/02736

Dear Sir/Madam,

**Re: BH2017/02736 9 Dyke Close Hove BN3 6DB**

As a Councillor for Hove Park Ward I am writing to object to this application. The rear extension would be 20 feet beyond the back of numbers 9 and 10 Dyke Close and would be overbearing. The living room of 10 Dyke Close is on the Southern part of the ground floor. There are windows on both the South and West elevation and they will suffer a loss of light if this application is granted. Furthermore there would be a loss of amenity to 10 Dyke Close. The patio area and swimming pool would be directly overlooked by the first floor windows of the extension. If this application should be recommended for approval I would request that it goes before the Planning Committee for decision.

Yours sincerely

Cllr Vanessa Brown



**Information on Pre-application Presentations and Requests 2017**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>	<b>Update</b>
TBC	Sackville Trading Estate, Sackville Road, Hove	Hove Park	Mixed use development comprising circa 600-650 residential units and 6000sqm of commercial floorspace (office / light industrial / retail / A3).	
12 <sup>th</sup> December 2017	King's House, Grand Avenue, Hove	Central Hove	Part demolition, conversion and construction of new buildings to provide 180 residential units.	
12 <sup>th</sup> December 2017 or 9 <sup>th</sup> January 2018 requested	Toad's Hole Valley	Hangleton & Knoll	Mixed use development comprising residential, neighbourhood centre, secondary school, B1 floorspace, SNCI enhancements, accesses from highway, landscaping and parking.	
7 <sup>th</sup> November 2017	Former Amex House. Edward Street Quarter	Queens's Park	Redevelopment for 200 residential units and commercial floorspace	
20 <sup>th</sup> June 2017	Land Off Overdown Rise and Mile Oak Road, Portslade	North Portslade	Outline development with all matters reserved other than access for the erection of 125 dwellings along with associated access, open space, landscaping and parking.	Application BH2017/02410 granted 10/10/17.

**NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.**

20 <sup>th</sup> June 2017	St Aubyns School, 76 High Street, Rottingdean	Rottingdean Coastal	Re-development of school campus and part of school playing field.	Applications BH2017/02680 & BH2017/02681 submitted 06/09/17.
11 <sup>th</sup> April 2017	Former Lectern PH, 2-6 Pelham Terrace, Brighton	Moulsecoomb & Bevendean	Redevelopment to provide student housing scheme comprising circa 228 studio rooms together with ancillary support accommodation at ground floor and 2 commercial units (café and retail) fronting Lewes Road.	Application BH2017/02156 submitted 07/07/2017.
7 <sup>th</sup> February 2017	189 Kingsway, Hove (former Sackville Hotel)	Westbourne	Construction of 8 storey residential block.	Application BH2017/01108 submitted 31/03/2017.
7 <sup>th</sup> February 2017	60-62 & 65 Gladstone Place, Brighton	Hanover & Elm Grove	Redevelopment to provide mixed, student and residential scheme.	Awaiting submission of application.
10 <sup>th</sup> January 2017	West Blatchington Primary School, Hangleton Way, Hove	Hangleton & Knoll	Redevelopment to provide new secondary school and junior school.	Application BH2017/01891 minded to grant at Planning Committee 13/09/2017.

**NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.**



**NEW APPEALS RECEIVED**

<b><u>WARD</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/00664
<b><u>ADDRESS</u></b>	77 Holland Road Hove BN3 1JN
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Demolition of existing building and erection of mixed use offices (B1) on lower ground and ground floor and 9no residential flat on first, second, third and fourth floors incorporating parking, landscaping and associated works.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	04/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Not Assigned
<b><u>WARD</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/00673
<b><u>ADDRESS</u></b>	The Synagogue Holland Road Hove BN3 1JN
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Demolition of existing outbuilding and erection of new two storey building to provide on-site accommodation.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	19/09/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>EAST BRIGHTON</b>
<b><u>APPEALAPPNUMBER</u></b>	
<b><u>ADDRESS</u></b>	23 Rugby Place Brighton BN2 5JB
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Appeal against Enf Notice - Material Change of Use
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	14/09/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Not Assigned

<b><u>WARD</u></b>	<b>GOLDSMID</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/00898
<b><u>ADDRESS</u></b>	54 Shirley Street Hove BN3 3WG
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Conversion of ground floor office space and first floor flat (C3) to form 1no two bedroom dwelling (C3) including replacement of shopfront with new bay window.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	10/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/01802
<b><u>ADDRESS</u></b>	Charter Medical Centre 88 Davigdor Road Hove BN3 1RF
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey temporary portacabin for a period of three years.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	10/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>HANGLETON AND KNOLL</b>
<b><u>APPEALAPPNUMBER</u></b>	
<b><u>ADDRESS</u></b>	368 Old Shoreham Road Hove BN3 7HA
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Appeal against Enforcement Notice
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	22/09/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Not Assigned
<b><u>WARD</u></b>	<b>HANOVER AND ELM GROVE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2016/06283
<b><u>ADDRESS</u></b>	33 Hallett Road Brighton BN2 9ZN
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Change of use from six bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4). (Retrospective)
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	10/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

**WARD** **HANOVER AND ELM GROVE**  
**APPEALAPPNUMBER** BH2017/01088  
**ADDRESS** 249 Queens Park Road Brighton BN2 9XJ  
**DEVELOPMENT DESCRIPTION** Change of use from five bedroom small house in multiple occupation (C4) to eight bedroom large house in multiple occupation (Sui Generis). (Retrospective).  
**APPEAL STATUS** APPEAL IN PROGRESS  
**APPEAL RECEIVED DATE** 11/10/2017  
**APPLICATION DECISION LEVEL** Delegated

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**WARD** **HANOVER AND ELM GROVE**  
**APPEALAPPNUMBER** BH2017/01417  
**ADDRESS** 12 Hanover Crescent Brighton BN2 9SB  
**DEVELOPMENT DESCRIPTION** Replacement of timber sliding sash window with timber double glazed door at basement level.  
**APPEAL STATUS** APPEAL IN PROGRESS  
**APPEAL RECEIVED DATE** 20/09/2017  
**APPLICATION DECISION LEVEL** Delegated

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**WARD** **HANOVER AND ELM GROVE**  
**APPEALAPPNUMBER** BH2017/01418  
**ADDRESS** 12 Hanover Crescent Brighton BN2 9SB  
**DEVELOPMENT DESCRIPTION** Replacement of timber sliding sash window with timber double glazed door at basement level.  
**APPEAL STATUS** APPEAL IN PROGRESS  
**APPEAL RECEIVED DATE** 20/09/2017  
**APPLICATION DECISION LEVEL** Delegated

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**WARD** **HANOVER AND ELM GROVE**  
**APPEALAPPNUMBER** BH2017/01929  
**ADDRESS** 171 Elm Grove Brighton BN2 3ES  
**DEVELOPMENT DESCRIPTION** Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m for which the maximum height would be 4m, and for which the height of the eaves would be 3m.  
**APPEAL STATUS** APPEAL IN PROGRESS  
**APPEAL RECEIVED DATE** 10/10/2017  
**APPLICATION DECISION LEVEL** Delegated

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**WARD** **HANOVER AND ELM GROVE**  
**APPEALAPPNUMBER**  
**ADDRESS** Land At 55 Hartington Road Brighton BN2 3LJ  
**DEVELOPMENT DESCRIPTION** Appeal against Enf Notice - Material Change of Use  
**APPEAL STATUS** APPEAL IN PROGRESS  
**APPEAL RECEIVED DATE** 04/10/2017  
**APPLICATION DECISION LEVEL** Not Assigned

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**WARD** **HOLLINGDEAN AND STANMER**  
**APPEALAPPNUMBER** BH2017/01111  
**ADDRESS** Fairhaven 17 Park Road Brighton BN1 9AA  
**DEVELOPMENT DESCRIPTION** Change of use from a four bedroom small house in multiple occupation (C4) to a nine bedroom house in multiple occupation (Sui Generis) (retrospective).  
**APPEAL STATUS** APPEAL IN PROGRESS  
**APPEAL RECEIVED DATE** 22/09/2017  
**APPLICATION DECISION LEVEL** Delegated

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**WARD** **HOLLINGDEAN AND STANMER**  
**APPEALAPPNUMBER** BH2017/01111  
**ADDRESS** Fairhaven 17 Park Road Brighton BN1 9AA  
**DEVELOPMENT DESCRIPTION**  
**APPEAL STATUS** APPEAL LODGED  
**APPEAL RECEIVED DATE** 22/09/2017  
**APPLICATION DECISION LEVEL** Delegated

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**WARD** **HOLLINGDEAN AND STANMER**  
**APPEALAPPNUMBER**  
**ADDRESS** Fairhaven 17 Park Road Brighton BN1 9AA  
**DEVELOPMENT DESCRIPTION** Appeal against enforcement notice  
**APPEAL STATUS** APPEAL IN PROGRESS  
**APPEAL RECEIVED DATE** 22/09/2017  
**APPLICATION DECISION LEVEL** Not Assigned

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<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/02138
<b><u>ADDRESS</u></b>	2 Plymouth Avenue Brighton BN2 4JB
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Change of use from six bedroom small house in multiple occupation (C4) to nine bedroom house in multiple occupation (Sui Generis) with creation of cycle storage.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	11/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Not Assigned

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<b><u>WARD</u></b>	<b>PATCHAM</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/01763
<b><u>ADDRESS</u></b>	34 Greenfield Crescent Brighton BN1 8HJ
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Roof alterations including hip to gable extension, rooflights, side window and rear dormer.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	21/09/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>PRESTON PARK</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/00018
<b><u>ADDRESS</u></b>	39A Preston Park Avenue Brighton BN1 6HG
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey offices (B1) with other associated alterations.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	02/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2016/06567
<b><u>ADDRESS</u></b>	90 Longhill Road Brighton BN2 7BD
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Remodelling of existing dwelling including two storey rear extension, roof alterations to facilitate the erection of additional storey with flat roof and roof terrace, revised fenestration and associated works.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	02/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/00536
<b><u>ADDRESS</u></b>	7 Marine Close Saltdean Brighton BN2 8SA
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Demolition of garages, remodelling of existing dwelling and erection of 1no three bedroom dwelling (C3).
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	02/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/00794
<b><u>ADDRESS</u></b>	17 Founthill Avenue Saltdean Brighton BN2 8AW
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Remodelling of existing house including additional storey with flat roof, erection of a two storey extension at lower ground and ground floor levels and revised fenestration.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	02/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/02083
<b><u>ADDRESS</u></b>	66 Saltdean Drive Saltdean Brighton BN2 8SD
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Installation of dormer to front.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	04/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>APPEALAPPNUMBER</u></b>	
<b><u>ADDRESS</u></b>	41 Westfield Avenue North Saltdean Brighton BN2 8HS
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Appeal against Enf Notice - Operational Development
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	20/09/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Not Assigned

<b><u>WARD</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/00010
<b><u>ADDRESS</u></b>	8 Benfield Crescent Portslade BN41 2DB
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Installation of hip-to-gable roof alterations, rear dormer and 2no rooflights to front elevation, with associated alterations.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	10/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2016/05416
<b><u>ADDRESS</u></b>	6 Beaconsfield Road Brighton BN1 4QH
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Change of use from single dwelling house (C3) to eight bedroom house in multiple occupation (Sui Generis) (part retrospective).
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	04/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/00280
<b><u>ADDRESS</u></b>	6 Beaconsfield Road Brighton BN1 4QH
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Conversion of existing house to form 2no. two bedroom flats and 1no. one bedroom flat (C3).
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	04/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>WITHDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2017/00796
<b><u>ADDRESS</u></b>	Basement Flat 40 Herbert Road Brighton BN1 6PB
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey rear extension with rooflights and raised terrace incorporating steps to garden with timber balustrade and handrail and associated landscaping.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	02/10/2017
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2017/01523

11 Tongdean Rise Brighton BN1 5JG

Erection of two storey rear extension with associated roof alterations, enlargement of existing front dormer and associated works.

APPEAL IN PROGRESS

10/10/2017

Delegated

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WOODINGDEAN**

BH2017/01359

30 Rosebery Avenue Brighton BN2 6DE

Roof alterations including hip to barn end roof extension at first floor level and alterations to front and rear dormers.

APPEAL IN PROGRESS

10/10/2017

Delegated






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


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Planning Application no:	BH2016/05530
Description:	Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.
Decision:	
Type of Appeal	Public Inquiry against refusal
Date:	TBC
Site Location:	Land South Of Ovingdean Road Brighton

Planning Application no:	BH2016/05908
Description:	Outline application for the erection of up to 125 dwellings with associated access, landscaping and informal open space and approval of reserved matter for access only.
Decision:	
Type of Appeal	Public Inquiry against refusal
Date:	Appeal withdrawn
Site Location:	Land Off Overdown Rise And Mile Oak Road Portslade



**APPEAL DECISIONS**

	<b>Page</b>
<b>A – 7 BARROWFIELD DRIVE, HOVE – HOVE PARK</b>	<b>305</b>
<p>Application BH2016/05241 – Appeal against refusal to grant planning permission for a new dwelling on land to the rear of the property at 7 Barrowfield Drive Hove.</p> <p><b>APPEAL DISMISSED</b> (delegated decision)</p>	
<b>B – 48-50 WESTERN ROAD, BRIGHTON – REGENCY</b>	<b>309</b>
<p>Application BH2017/01183 – Appeal against a non-determination for the change of use from (A1) to 6no one bedroom flats and 3no two bedroom flats at basement, first and second floors (C3).</p> <p><b>APPEAL ALLOWED</b></p>	
<b>C – FLAT A, 33 CROMWELL ROAD, HOVE – GOLDSMID</b>	<b>313</b>
<p>Application BH2016/02577 – Appeal against refusal to grant planning permission for the damp proofing to the front vaults to create habitable rooms and connecting these to the original property.</p> <p><b>APPEAL DISMISSED</b> (delegated decision)</p>	
<b>D – UNIT 6, CROWHURST ROAD, BRIGHTON– PATCHAM</b>	<b>317</b>
<p>Application BH2016/05979 – Appeal against refusal to grant planning permission for the retrospective change of use of internal floorspace on first floor from vacant office space to operational residential use (Class C3), new residential unit and the provision of external amenity space (Revised Proposal).</p> <p><b>APPEAL DISMISSED</b> (delegated decision)</p>	
<b>E – 8 LLOYD ROAD, HOVE – HOVE PARK</b>	<b>321</b>
<p>Application BH2016/05174 – Appeal against refusal to grant planning permission for the redevelopment of garage at rear of site to provide for detached dwelling house fronting Lloyd Close. Removal of existing rear conservatory. Creation of parking space on Lloyd Road (served by existing vehicle crossover).</p> <p><b>APPEAL DISMISSED</b> (delegated decision)</p>	

**F – 24 HOLLINGBURY ROAD, BRIGHTON – HOLLINGDEAN & STANMER** **325**

Application BH2017/00716 – Appeal against refusal to grant planning permission for room in roof with rear dormer and front rooflights.

**APPEAL DISMISSED** (delegated decision)

**G – 44 NORTH ROAD, PRESTON, BRIGHTON – WITHDEAN** **327**

Application BH2017/00589 – Appeal against refusal to grant planning permission for a single storey side extension.

**APPEAL ALLOWED** (delegated decision)

**H – 31 HARRINGTON ROAD, BRIGHTON – WITHDEAN** **331**

Application BH2017/01021 – Appeal against refusal to grant planning permission for hip to gable loft conversion with rear dormer, removal of 2 chimneys and creation of 1 new chimney to match.

**APPEAL DISMISSED** (delegated decision)

**I – 11 KENSINGTON PLACE, BRIGHTON – ST. PETER’S & NORTH LAINE** **335**

Application BH2017/00439 – Appeal against refusal to grant planning permission for an infill rear extension; parapet wall to match existing, flat roof and new glass studio.

**APPEAL DISMISSED** (delegated decision)

**J – 50 BRAEMORE ROAD, HOVE – WISH** **339**

Application BH2017/01084 – Appeal against refusal to grant planning permission for a rear and two storey side extension.

**APPEAL DISMISSED** (delegated decision)

**K – 25 RUTLAND ROAD, HOVE – WESTBOURNE** **343**

Application BH2017/00415 – Appeal against refusal to grant planning permission for a rear first floor extension.

**APPEAL ALLOWED** (delegated decision)

**L – 1 SELBORNE ROAD, HOVE – BRUNSWICK & ADELAIDE** **347**

Application BH2016/05792 – Appeal against a refusal to grant planning permission for an erection of single storey extension on second floor; installation of frameless glazed balustrade on roof.

**APPEAL DISMISSED** (delegated decision)

**M – 12 COLEBROOK ROAD, BRIGHTON – WITHDEAN**

**351**

Application BH2017/01397 – Appeal against refusal to grant planning permission for the demolition of existing garage and erection of two storey detached annexe (non self-contained) (resubmission of BH2016/05832).

**APPEAL DISMISSED** (delegated decision)





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## Appeal Decision

Site visit made on 4 September 2017

by **L Gibbons BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29<sup>th</sup> September 2017

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### **Appeal Ref: APP/Q1445/W/17/3175715 7 Barrowfield Drive, Hove BN3 6TF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr K Wolley against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/05241, dated 7 September 2016, was refused by notice dated 24 February 2017.
  - The development proposed is a new dwelling on land to the rear of the property at 7 Barrowfield Drive Hove.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issues are:
  - i) the effect of the proposed development on the character and appearance of the area with particular reference to trees, and;
  - ii) The effect of the proposed development on biodiversity.

### **Reasons**

3. The appeal site is located within a residential area. The houses are individually designed built in the Sussex style. The roads are narrow and mainly curved with grass verges. The front and rear gardens contain mature planting with a significant number of large trees all of which contribute to a very verdant and almost woodland backdrop. Overall, the area has a very distinctive and pleasant character.
4. The proposal is for a single dwelling in the rear garden of No 7 Barrowfield Drive. The garden is fairly long and wide. There are two protected cedar trees within the garden which would be retained in the garden of No 7. Other large trees include a cedar within the garden of No 6 Barrowfield Drive which is close to the common boundary with No 7, and also a horse chestnut located on Elm Close. These trees contribute significantly to the character and appearance of the area.
5. An Arboricultural Implications Assessment accompanied the planning application. This indicates that foundations for the house have been designed to incorporate mini/screw technology. Reference is made to the principle of their use being well established. However, these details have not been

- provided and I cannot be certain that this would be an appropriate method which would accommodate root growth for all four trees.
6. In addition, there is no information provided on how much further the root protection areas for the trees would reach particularly given that it is estimated that they would have between 20 and 40 years of additional growth. The Council query whether the girth of the cedar within the garden of No 6 has been measured accurately, and this may have implications for subsequent growth. The appellant refers to the root growth for the horse chestnut potentially being limited by competition for space and the presence of the road. However, I have not been provided with evidence to demonstrate this would be the case. Moreover, in the case of three of the trees the root protection areas are currently shown to be extending to the walls of the proposed dwelling. Taking these factors into account I consider that a condition requiring further details on the foundations would not be suitable.
  7. The Council do not raise any concerns in respect of shade or daylight or indeed effects on the trees during the construction process. I also note that limited works to the protected trees have been permitted. Nevertheless, when stood within the garden of No 7, the two protected cedar trees are particularly tall and imposing. The presence of the cedar in the garden of No 6 is also very noticeable given its height and location close to the boundary. The horse chestnut has branches which come slightly over the hedgerow which adjoins the boundary along Elm Close. The trees are a significant feature of the immediate surroundings and even with lack of windows in some elevations future residents would be very aware of their presence.
  8. Taking these factors into account I consider that the relationship of the building to these trees in fairly close proximity, and their numbers could cause significant apprehension to future occupiers. Whilst the trees would not be on land owned by the future occupiers I do not agree that the trees would not potentially be under threat. I say this particularly in respect of anxiety relating to safety. Therefore, it may be difficult for the Council to resist applications to lop or fell relating to the protected trees, and also other landowners for requests for work to be done to the other two trees. Significant levels of pruning of these trees would have a very negative impact on the verdant and wooded context of the area.
  9. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area having regard to trees. It would be in conflict with saved Policy QD16 of the Brighton and Hove Local Plan 2005 which amongst other things will not permit new development which would damage or destroy a preserved tree unless the development is of national importance or essential to meet recognised social and/or economic needs which cannot be located elsewhere and there is no practicable way to retain the tree.

#### *Ecology and biodiversity*

10. Paragraph 109 of the National Planning Policy Framework (the Framework) sets out that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the Framework sets out that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately



mitigated, or, as a last resort, compensated for, then planning permission should be refused. The Council refer to a significant loss of biodiversity relating to the loss of five trees and the green space within the garden of No 7.

11. The Council consider that the loss cannot be mitigated through typical measures. However, it does not explain why this is the case in this particular scheme. The trees proposed for removal are either in poor condition or do not have significant value or quality. Two of the trees are dying. No significant biodiversity features have been identified within the garden and the Council do not refer to any particular feature or species.
12. Replacement planting and landscaping is proposed. Were other matters acceptable, I am satisfied that conditions relating to the submission of a scheme to enhance the nature conservation interest of the site and a scheme for landscaping would be sufficient to address potential impacts on biodiversity and ecology. There would be no conflict with Policy CP10 of the Brighton and Hove City Plan Part 1 2016, which amongst other things seeks new development that net gains in biodiversity wherever possible, taking account of the wider ecological context of the development.

*Other matters*

13. The dwelling would have windows which would face mainly towards the road along Elm Close. There would be some distance between the side elevation and the front of No 5 Elm Close and also No 9 The Green. Therefore, there would be no detrimental loss of privacy to the occupiers of those properties. There is no evidence to indicate that the lighting of the upstairs rooms would cause unacceptable levels of light and subsequent disturbance to neighbours.
14. In relation to parking and access I note that Elm Close is narrow although it is straight at the point where the site is proposed to be accessed. The proposed scheme would include parking provision. The Council and the Highways Authority do not raise any concerns with parking, visibility or access subject to suitable conditions. Based on observations at the site visit and evidence before me I see no reason to disagree with this matter. However, these matters are not sufficient reasons to justify the scheme before me.

**Conclusion**

15. I have found that the proposed development would be acceptable in terms of its effect on biodiversity. However, I have found that the proposed development would cause harm to the character and appearance of the area with particular reference to trees and this is sufficient reason to dismiss the appeal.
16. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L Gibbons*

INSPECTOR





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## Appeal Decision

Site visit made on 4 September 2017

by **L Gibbons BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2017

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### Appeal Ref: **APP/Q1445/W/17/3177496** **48-50 Western Road, Brighton BN1 2EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Western Road Ltd against Brighton & Hove City Council.
  - The application Ref BH2017/01183, is dated 4 April 2017.
  - The development proposed is the change of use from (A1) to 6no one bedroom flats and 3no two bedroom flats at basement, first and second floors (C3).
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use from (A1) to 6no one bedroom flats and 3no two bedroom flats at basement, first and second floors (C3) at 48-50 Western Road, Brighton BN1 2EB in accordance with the terms of the application, Ref BH2017/01183, dated 4 April 2017, subject to the conditions set out in the schedule at the end of this decision.

### Background and Main Issue

2. The appeal site has a planning history which includes an approved planning application in September 2016 for change of use from retail use to residential subject to a section 106 agreement (s106) of the Town and Country Planning Act 1990 (as amended) relating to affordable housing contributions.
3. The Council's Appeal Statement indicates that had it been in a position to determine the application, it would have been refused for the lack of contributions towards affordable housing within the City.
4. The main issue is whether the contribution sought in respect of affordable housing is necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

### Reasons

5. As part of the appeal the appellant submitted a copy of a signed s106 Unilateral Undertaking (UU) dated 25 August 2017 in relation to a contribution towards affordable housing. I have considered the UU in the light of the statutory tests at paragraph 204 of the National Planning Policy Framework. This sets out that any contributions sought should be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

6. Policy CP20 of the Brighton and Hove City Plan (CP) Part 1 2016 requires an affordable housing contribution from all types of residential development where the net gain is over 5 units. A sliding scale is applied which means that a contribution of 20% will be sought from sites between 5 to 9 units. Policy CP20 was supported by a viability assessment and the policy allows for site specific circumstances to be taken into account.
7. However, a material consideration of considerable importance and weight is Government policy as set out in the Written Ministerial Statement (WMS) of 28 November 2014. In relation to planning obligations and affordable housing this indicates that for 10 units or less and which have a maximum combined gross floor space of no more than 1000 sq. metres no affordable housing or tariff style contributions should be sought. Therefore, there is conflict between the national threshold in the WMS and the Planning Practice Guidance (the Guidance), and the local thresholds set out in Policy CP20 of the CP.
8. The Council refer to over 24,000 households on the housing register with a large number of these in priority need. From the information before me, average property prices are also much higher than that for England and Wales. The City is also a physically constrained location and I note that small sites contribute more than 50% of the housing delivery within the City. It seems to me that the combination of these factors result in a significant need for affordable housing within the City. On the basis of the evidence before me, I consider that the WMS does not outweigh the development plan in this instance and an affordable housing contribution is required.
9. Policy CP20 of the CP indicates that the targets relating to the sliding scale may be applied more flexibly where the Council considers this to be justified. This includes criteria relating to the costs of the development using an approved viability model. The Council refers to calculations of affordable housing contributions being based on a Zoned approach, and that the amount required for the scheme before me would be £374,500. However, I have not been provided with the details of this calculation or how it would relate to the scheme before me.
10. The appellant proposed an alternative figure which was much lower than the Council's calculations. As part of the appeal process the Council submitted a viability appraisal by the District Valuer dated August 2017. This was undertaken to assess the viability study submitted by the appellant in respect of concerns about the inputs and justification, and to advise whether the scheme would be able to make affordable contributions.
11. The District Valuer's viability appraisal concluded that an affordable housing contribution could be made. However, this was also at a lower figure with £173,235 being identified as a surplus. This is the amount now included within the submitted UU. The Council consider the figure within the UU is compromised and refer to potential margins of error in the figures provided by the District Valuer. However, this is not explained further. Moreover, the Council does not dispute the conclusions of the Valuer's viability appraisal. Taking account of the lack of reasoning or justification in the viability study submitted by the appellant, and the methodology and inputs used within the Council's viability assessment, I consider that the District Valuer's assessment is sufficiently robust, and therefore that the figure within the UU is justified.

12. I conclude that the affordable housing contribution as set out in the UU would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly related in scale and kind. It would meet the tests at paragraph 204 of the Framework.

*Other matters*

13. The Council does not object to the proposed scheme in respect of the principle of the conversion, the effect on neighbours and standard of accommodation. Based on the evidence before me, I see no reason to disagree with this view. The appeal site is located within the Regency Square Conservation Area. The design of the external changes to the building would be seen in context with the original design and those of nearby buildings when seen from Western Road and Clarence Square. The proposal would preserve the character and appearance of the Conservation Area.

**Conditions**

14. I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the Planning Practice Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. I have imposed a condition specifying the relevant drawings as this provides certainty.
15. The Council suggested conditions which would be either before commencement of development or before the occupation of the development. I have amended the order of the conditions to reflect this.
16. No parking is proposed within the scheme. The site is located within the city centre. The Highways Authority indicates that the site is suited to car free housing due to accessibility, and existing on street parking controls. In order to promote sustainable transport choices and to prevent parking congestion a condition requiring submission of details or a scheme to exclude residents from residents' permit schemes has been attached. I have amended the condition to refer to implementation and retention.
17. To protect the living conditions of the occupiers of the flats a condition is needed relating to details for ventilation of the flats, the submission of details are required before the commencement of development. The condition has been amended to refer to implementation and retention. In the interests of protecting the character and appearance of the area, a condition is necessary relating to the materials for the rooflights and position within the roof. In relation to sustainability conditions are needed for storage of refuse and recycling, and secure cycle parking facilities.

**Conclusion**

18. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set out in the attached schedule the appeal should be allowed.

*L Gibbons*

INSPECTOR

### SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A15504.01.04 Location and Block Plan; A15504.03.01 Rev E Proposed Basement and ground floor plans; A15504.03.02 Proposed first, second and third floor plans and A15504.03.03 Rev A Proposed elevations.
- 3) The development hereby permitted shall not commence until such time as a detailed scheme or agreement has been submitted to and approved in writing by the local planning authority that shall ensure that residents of the development, other than those residents who are Blue Badge Holders, have no entitlement to a resident's parking permit. Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.
- 4) Prior to the development commencing, a scheme on how and where ventilation will be provided to the approved flats shall be submitted to and approved in writing by the local planning authority. The details shall include the specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality. The scheme shall be fully implemented in accordance with the approved details and thereafter retained at all times.
- 5) The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
- 6) Prior to the first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
- 7) Prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be 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 thereafter be retained for use at all times.

---END OF SCHEDULE---



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## Appeal Decision

Site visit made on 26 September 2017

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29<sup>th</sup> September 2017

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### Appeal Ref: **APP/Q1445/Y/17/3173695**

### Flat A, 33 Cromwell Road, Hove BN3 3EB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Ms Leigh Roberts against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/02917, dated 4 August 2016, was refused by notice dated 22 November 2016.
  - The works proposed are damp proofing to the front vaults to create habitable rooms and connecting these to the original property.
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### Decision

1. I dismiss the appeal.

### Main Issue

2. This is the effect of the proposed works on the architectural and historic significance of the listed building and its setting within the Willett Estate Conservation Area.

### Reasons

3. The building is listed Grade II and the listing description is not a statement of significance in the way that a more recent one would be. The listing includes the reference 'GV' denoting group value.
4. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
5. These duties are reflected in Policies HE1, HE6 and HE8 of the Brighton & Hove Local Plan, and Policy CP15 of the Brighton & Hove City Plan which are material considerations only, since section 38(6) of the Planning and Compulsory Purchase Act 2004 on the primacy of the Development Plan does not apply to

- applications or appeals for listed building consent. The Council has published Supplementary Planning Document 09 '*Architectural Features*' and Supplementary Planning Guidance BH11 '*Listed Building Interiors*'.
6. The present situation is of a flat-roofed porch containing the entrance door and hallway to the lower flat on the east side, with a kitchen extending part-way under the walkway to the front door of the main building on the west side. The pavement vaults extend across the full width of the premises and what is shown as 'store 1' and 'store 2' are under the entrance walkway and abut the kitchen. There has clearly been some earlier alteration in the basement area with evidence of a previous line of the entrance steps, some sub-division of the 'store 3' vault and possibly the infilling under the stairs.
  7. Notwithstanding this arrangement, the basement area is presented as a mainly open space as would be expected in terraced houses of this size and period. That open space is not evident along all parts of the terrace and where there has been infill to various degrees, harm to the architectural and historic interest has occurred.
  8. The proposed works would add a further flat area of roof projecting from the present porch towards the road, and a further flat area over the proposed study would partially infill a presently open part of the basement area. Whilst that infill would not be of the amount evident nearby, the addition would be uncharacteristic of the original design intention of separating such as coal delivery and storage from living accommodation. It is noted that 'coal-holes' remain in 2 of the vaults, although unlike next door to the east, no pavement ironwork remains. There would be some loss of fabric although on inspection it is unclear what previous replacement has taken place. Nevertheless, harm would be caused to the architectural and historic interest of the building through the partial infilling and flat roofs. That harm would also be apparent from public views within the conservation area, bringing about an erosion of its character and appearance.
  9. The Council has identified a separate reason for refusal over the use of fully glazed doors on the inner face of the proposed study, suggesting that solid timber doors would have been more in character with the building. Be that as it may, any such doors would have been to the vaults, and not to new work forward of that line and for a completely different purpose. It would not be unreasonable to design for light to enter the study, but the failing here is the additional roof and extended building.
  10. The proposed works to convert 'store 1' and 'store 2' to a bedroom and wet-room would not have these adverse effects as they are entirely under the walkway and do not require additions. However, their access is through an area of work that is unacceptable.
  11. Lastly, the Council express doubts over the method of waterproofing the vaults and ventilation to the wet-room, to which should be added concern over the relocation of the boiler in the porch to the hallway and the location of its flue. Works to listed buildings should be sufficiently detailed so as to allow a full analysis of the effects in order to discharge the duties under the 1990 Act, and whilst conditions can be employed to ensure essential works are carried out as proposed or to control the quality of the works, the degree to which they are used to seek missing details should be limited.



12. In this case, the missing detail of flues and ventilation could have an adverse effect on the significance of the building and call into question the basis of the design as proposed. In the absence of details at this stage, conditions would not be a safe way forward, even if all else was acceptable.
13. The treatment of vault soffites to prevent water ingress can be successfully carried out, either as a barrier or a system of lathing to control and dispose of water. While full details would have been preferable, this might have been a suitable subject for a condition, in the event of grant of consent as experience has shown that the works can be carried out without causing harm.
14. In the event, harm has been identified to the architectural and historic significance of the listed building and its setting within the conservation area. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
15. There does not appear to be any risk of the premises falling out of their residential use in this highly accessible urban location, close to transport and other facilities. The addition of a further bedroom would provide for larger family use and that would be a public benefit as set out by the appellant. The as-yet unspecified works to control water ingress and the general care to be applied to the vaults could be a heritage benefit, and it is possible that such work would not be carried out other than where it provides additional accommodation. However, in the balance, the harm caused by the partial infilling of the basement area and the linking of the pavement vaults with the main house would not be outweighed by public benefits.
16. The proposal would fail the statutory tests in the 1990 Act and would be contrary to the aims of Policies HE1, HE6, HE8 and CP15. The harm has not been justified by benefits and for the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR





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## Appeal Decision

Site visit made on 4 September 2017

by **L Gibbons BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2<sup>nd</sup> October 2017

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### **Appeal Ref: APP/Q1445/W/17/3177342 Unit 6, Crowhurst Road, Brighton BN1 8AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bestway Wholesale Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/05979, dated 3 November 2016, was refused by notice dated 11 May 2017.
  - The development proposed is the retrospective change of use of internal floorspace on first floor from vacant office space to operational residential use (Class C3), new residential unit and the provision of external amenity space (Revised Proposal).
- 

### **Decision**

1. The appeal is dismissed.

### **Background and Main Issues**

2. The appeal site has a planning history which includes previous planning applications and an appeal in 2016 which was dismissed. The scheme before me seeks to overcome the concerns of the Council and the previous Inspector. The main issues are:
  - i) Whether the proposed flats would provide suitable accommodation for existing and future occupiers in respect of noise and disturbance, and the quality of the outdoor amenity space to be provided, and;
  - ii) The effect of the proposed development on the Hollingbury Industrial Estate.

### **Reasons**

#### *Living conditions*

3. The scheme is for offices to be converted into two flats on the first floor of a cash and carry warehouse. One office has been converted and is currently occupied as a residence. A Noise Assessment was provided with the planning application. This concludes that the internal noise environment for future residents would be acceptable.
4. However, the Council refers to the need to make the assessment on the basis of a different British Standard than that used by the appellant to conduct the noise assessment. This would need to take account of measuring noises that vary in intensity relating specifically to commercial uses. This would be the case due to varying levels of noises from delivery vehicles, machinery and

- noise within the warehouse. The noise assessment does not refer to any detail of movement of forklift trucks outside of service hours, or other potential disturbances within the building such as loud music which was playing at the time of the site visit.
5. In addition, no information was provided on whether there would be a need to keep windows closed. The rooms are laid out in such a way that the windows are on the elevation facing the service and delivery yard, and there is no information provided on alternative sources of ventilation. The potential hours of operation are also particularly long which may affect family members differently. The appeal site is also located close to businesses which may operate over different hours including weekends. Therefore, I am not persuaded that the approach adopted by the appellant is suitable for assessing sound at new dwellings within existing commercial premises or that there would not be a negative effect on occupiers.
  6. The scheme proposes a small outdoor amenity area. This would be located near the southeast corner of the building. Policy HO5 of the Brighton and Hove Local Plan (LP) 2005 does not refer to any specific standard of amenity space. However, it does refer to 'useable' amenity space. The Noise Assessment measured noise levels externally in relation to the amenity area. However, I note that the sensor was placed by the electricity substation potentially interfering with the recordings, and this was some distance from the proposed amenity area. In any event, the recorded noise levels were high. I note there is no objection from adjoining occupiers. However, I consider there may be the potential for complaints arising from the use of the amenity area relating to other business given the nature of some of the adjoining operations which includes a fruit market.
  7. Moreover, the amenity area would be very close to the sprinkler tank and the main engine room for the building. The area is also adjacent to an area of land currently used for storage of pallets. The access to the amenity area would be through a service and delivery area which could give rise to potential conflicts between vehicles and occupiers. No separation between these uses and the access is proposed. The amenity space is proposed to be enclosed with a close boarded fence. However, it is not certain that enclosure of this space would not affect suitable maintenance or emergency access to the tank and engine room.
  8. Overall, I consider that due to the location of the proposed amenity area and the potential for noise and disturbance it would not be a useable or safe area for sitting out and playing.
  9. For the reasons given above, I conclude that the proposed development would not provide satisfactory living conditions for the future and existing occupiers in respect of noise and disturbance and outdoor amenity space. It would be in conflict with Policies SU10, QD27 and HO5 of the LP. These amongst other things seek new development that minimises the impact of noise on the occupiers of proposed buildings, and that planning permission 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.

### *Hollingbury Industrial Estate*

10. Policy CP3 of the Brighton and Hove City Plan Part One (CP) 2016 amongst other things seeks to ensure that sufficient employment sites are provided, and that premises will be safeguarded. Policy CP3 does allow for mixed use sites although specific sites are referred to, and the list does not include Hollingbury Industrial Estate. Policy CP3 of the CP refers to the support for proposals to upgrade and refurbish premises to suit the needs of modern businesses, and I accept that the proposal is not seeking to replace the existing business.
11. However, Hollingbury Industrial Estate is identified as a primary industrial estate to be protected for business and industrial uses. The explanatory text refers to new uses should not be introduced that would preclude industrial and/or warehousing type uses. To my mind this would include residential uses including ancillary accommodation which would potentially place the estate at risk in terms of its function as a key employment site. This would be through the potential for noise and disturbance complaints from residents.
12. I note that one of the deputy managers commutes for some distance. The appellant refers to the accommodation not being a primary residence although I note that the manager was unable to find suitable and affordable accommodation within the area. The detail submitted with the planning application also confirms that the family are there for the majority of the week. I acknowledge that some businesses such as agriculture and pubs require the need for on-site residential accommodation. The appellant submits that the proposed residential uses are necessary to ensure that the wholesale operation can be managed effectively. However, no further detail was provided to confirm that this would be the case.
13. The appellant suggests that a condition could be attached which would limit the use of the flats to the employees of the business. The suggested condition is not precise as the first part would effectively allow more flexibility for other users of the site to occupy the flats in the future. Moreover, given the level of investment involved in converting the offices and the need for permanent construction, I consider this would make the condition difficult to enforce in the longer term. Whilst the suggested condition may reduce the potential for complaints for the reasons given above I am not satisfied that there would be no adverse effect on current and future residents. In addition, the suggested condition would not overcome my concerns in relation to the proposed amenity area or the long term impact on the functioning of the industrial estate.
14. For the reasons given above, I conclude that the proposed development would be likely to prejudice the future use of the Hollingbury Industrial Estate. It would be in conflict with Policy CP3 of the CP.

### **Conclusion**

15. I accept that the scheme would make use of disused office space and would add to the supply of housing within the local area. The site is located in an area which is close to services and facilities. The scheme would not affect residents in terms of contaminated land and the internal layout of the flats is also acceptable.
16. However, it has not been demonstrated that the scheme would provide satisfactory living conditions for occupiers in respect of noise and disturbance

and outdoor amenity space, and the proposal would have a negative effect on the future use of the Hollingbury Industrial Estate.

17. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L Gibbons*

INSPECTOR



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## Appeal Decision

Site visit made on 4 September 2017

by **L Gibbons BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2<sup>nd</sup> October 2017

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**Appeal Ref: APP/Q1445/W/17/3177542**

**8 Lloyd Road, Hove BN3 6NL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms N Mutawa against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/05174, dated 24 August 2016, was refused by notice dated 24 February 2017.
  - The development proposed is redevelopment of garage at rear of site to provide for detached dwelling house fronting Lloyd Close. Removal of existing rear conservatory. Creation of parking space on Lloyd Road (served by existing vehicle crossover).
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - i) The effect of the proposed development on the character and appearance of the area; and,
  - ii) Whether the proposal would provide suitable internal and external accommodation for the future occupiers.

### Reasons

#### *Character and appearance*

3. The wider area in which the appeal site is located contains detached and semi-detached houses of a mix of designs and ages. The roof designs in the area are either pitched or hipped with dormer windows a feature. There are a number of street trees and mature planting within the gardens and the area has a pleasant suburban appearance. Lloyd Close is a cul-de-sac with chalet bungalows set back from the road within mature gardens and the buildings are not highly visible in the street scene.
4. The proposal is for a dwelling which would be located within the rear garden of No 8 Lloyd Road with the front elevation facing towards Lloyd Close. The proposed dwelling would have a ridgeline which would be lower than neighbouring properties. I acknowledge that there would be a small increase in building footprint on the plot. However, the eaves height would be much higher than surrounding buildings and this would draw attention to the building. The dwelling would have a mansard roof and a parapet which are not

common features in the surrounding area and would contrast significantly with the adjoining properties. The two-storey flank walls of the dwelling and balconies would add to its bulk. Although the dwelling would have a similar building line to No 8 Lloyd Road, it would come somewhat forward of No 10 Lloyd Close.

5. Due to the significantly contrasting design of the building, and its position along Lloyd Close the house would be a highly prominent feature which would be detrimental to the street scene. The house would look significantly out of context with the design and scale of the properties in the immediate area even taking account of the varied designs found locally.
6. It is proposed to remove a number of trees and planting along the boundary and within the rear garden of No 8. I note that the trees relate to the former use of the site. However, I note that the trees are not of the highest quality. There would be a small area of hedgerow proposed at the front of the dwelling and some planting along the boundary towards No 8. Although it would be some time before this would mature it would make a small contribution to the verdant quality of the area. Were other matters acceptable, landscaping could be controlled by a suitably worded condition. The loss of trees and planting would not cause significant harm to the character and appearance of the area. However, this is not sufficient to outweigh the harm I have found in respect of the dwelling.
7. There is an example of a dwelling recently constructed along Lloyd Close. It has a modern design. However, it differs from the appeal proposal considerably. It has very low eaves with dormer windows and a scale and profile which is very compatible with the chalet bungalows on Lloyd Close. I have also been referred to schemes for new dwellings within the surrounding area, including along Hove Park Way, Shirley Drive and Woodland Drive. The schemes for Hove Park and Woodland Drive are similar to adjoining properties in terms of roof, eaves height and overall design. The proposal for Shirley Drive also has low eaves and is set within a slope. Therefore, to my mind they do not represent a direct parallel to the circumstances before me.
8. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be in conflict with Policy CP12 of the Brighton and Hove City Plan Part One (CP) 2016. This amongst other things seeks new development that raises the standard of architecture and design in the city.
9. The Council has referred to Policy QD14 of the Brighton and Hove Local Plan (LP) 2005. However, this relates to extensions and alterations to existing buildings and does not demonstrate or substantiate an adverse impact in respect of new dwellings.

#### *Future occupiers*

10. Internal accommodation. There would be three bedrooms within the first floor of the house. The Council does not raise any concerns in respect of the two larger bedrooms or room sizes for all three. However, the third bedroom would have a small projecting bay that would incorporate a window looking towards Lloyd Close. No other windows are proposed in this room. I note that the window has been designed to take account of potential overlooking towards No 8 Lloyd Road. Nevertheless, even taking account of the measurement



provided by the appellant and that it would be full length, the window would be narrow and due to its position within the room it would not provide much natural light for the majority of the bedroom. This would result in the room feeling dark and enclosed. I consider that the space for sitting within the bay would be limited and the outlook very constrained due to its position within the bay.

11. For the reasons given above, I conclude that the proposed development would fail to provide a good standard of internal accommodation for the future occupiers. It would be in conflict with saved Policy QD27 of the LP. These amongst other things seek new development where it would not 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.
12. External accommodation. The dwelling would be provided with a garden. It would differ in shape from the majority of the gardens in the area which are regular. I accept that the Council do not have any specific standards for garden sizes. Nevertheless, in this case much of the rear private garden would be narrow, and it would be north facing with little sunlight to the garden. Although there would be some space for sitting out and play it would not be very useable due to these factors. There would be additional garden space to the east although much of this would only receive sunlight in the mornings.
13. I accept that some occupiers may not require garden space. However, the accommodation would be suitable for a family and I consider that there would not be sufficient useable space for play which a family could reasonably expect.
14. I note that examples of dwellings provided by the appellant incorporate smaller gardens than the adjoining properties. However, from the drawings provided these have larger front gardens and more space to the sides which differs from the scheme before me.
15. I conclude that the scheme would not be acceptable in terms of the quality of the outdoor space to be provided and that the development would conflict with saved Policy HO5 of the LP.

#### *Other matters*

16. The dwelling would be located to the west of No 8 Lloyd Road. The side elevation would be seen across the majority of the rear garden of No 8. However, the buildings would be separated by the garden of No 8 and the side garden of the new dwelling with sufficient distance between the two. The retained garden would be private with considerable space to sit out. The garden is west facing and it would not feel dark or enclosed and the dwelling would not appear overly intrusive. The dwelling would be some distance from No 10 Lloyd Road which has a very long garden. The proposal would be acceptable in this respect.
17. Local residents raise concerns in respect of parking and highway safety. The Council does not object to the proposal in this respect subject to suitable conditions. Based on the evidence before me and observations on the site visit, I see no reason to disagree with these matters. However, this is not sufficient reason to justify the appeal proposal.

18. Concerns are raised in respect of land ownership. This is a private matter between any parties which may be concerned and this is not a matter which has contributed to my decision.

**Conclusion**

19. The appellant refers to the CP and the housing requirement only meeting 44% of the identified need and refers to the housing supply including windfall dwellings. Notwithstanding, the proposed development would provide an additional dwelling within the area which has very limited weight in favour of the scheme. The scheme would not cause harm to the living conditions of the occupiers of No 8 and No 10 Lloyd Road.
20. However, I have found that the scheme would cause harm to the character and appearance of the area, and the development would not be acceptable in terms of the living conditions of the future occupiers in relation to the third bedroom and garden space. The proposal would be in conflict with the development plan when considered as a whole.
21. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L Gibbons*

INSPECTOR



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## Appeal Decision

Site visit made on 19 September 2017

by **N A Holdsworth MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 October 2017

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**Appeal Ref: APP/Q1445/D/17/3175600**  
**24 Hollingbury Road, Brighton, BN1 7JA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tony Toska against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/00716, dated 24 February 2017, was refused by notice dated 24 April 2017.
  - The development proposed is room in roof with rear dormer and front rooflights.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in the appeal is effect of the proposed development on the character and appearance of the area.

### Reasons

3. The appeal site forms part of a terrace of three storey buildings. A pitched roof spans the entirety of the terrace, interspersed with parapet walls and chimney stacks; and rising in steps with the topography of the land. Like most of the other properties that form part of the terrace, the appeal property has not been significantly altered at roof level, and retains its pitched roof form. The proposed roof extension would span almost the full width of the rear elevation of property, rising close to the ridge of the roof.
4. Because of its overall bulk and scale, together with the substantial areas of cladding and supporting structure surrounding the window, the proposed extension would not appear as a subservient addition to the roof of the host property. Very little of the original roof would remain. It would also break the prevailing uniformity of the existing roofline of the terrace, when viewed from the surrounding area. In consequence, the extension would dominate the rear roof slope of this property, appearing incongruous with the form of the existing property and those that immediately surround it.
5. The proposed development would conflict with guidance set out in the Council's Supplementary Planning Document 12 "*Design guide for extensions and alterations*" adopted June 2013 ("SPD12"). This specifically prohibits box dormers that give the appearance of an extra storey on top of the building, as would be the case here. It also states that the supporting structure for a

dormer window should be kept to a minimum as far as possible, with no areas of cladding either side of the window or below. The proposal would fail to achieve this objective.

6. The neighbouring property and parapet wall step up with the topography of the land. Whilst this provides some screening of the dormer in views from the north, the proposed extension would still be clearly visible from other places in the surrounding area.
7. A small number of similar extensions have been constructed along other parts of the terrace, however these have not, in my view, compromised its overall integrity or uniformity when viewed from the surrounding area. Furthermore, I have no evidence to suggest that these extensions were granted planning permission recently. The appellant contends that many of the surrounding buildings are single family dwellings and considers that similar roof extensions could be constructed on these properties under permitted development rights. However, I have no convincing evidence before me that this is likely to occur. The general existence of such rights, which apply nationally, has no bearing on my consideration of the issues in this appeal which relate to a specific location and planning policy context.
8. Consequently, the proposed rear extension conflicts with saved policy QD14 of the Brighton and Hove Local Plan 2005 and the relevant parts of SPD12 which require that roof extensions are well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area. The harm relates to the overall bulk, scale and mass of the proposal and could not be overcome by the use of cladding that is a similar colour to the surrounding adjacent roof slopes. There are no material considerations that indicate an exception to these policies would be justified. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Neil Holdsworth*

INSPECTOR



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## Appeal Decision

Site visit made on 20 September 2017

**by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2<sup>nd</sup> October 2017**

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**Appeal Ref: APP/Q1445/D/17/3178331**

**44 North Road, Preston, Brighton, BN1 6SP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr D Green against the decision of Brighton and Hove City Council.
  - The application Ref BH2017/00589, dated 20 February 2017, was refused by notice dated 12 May 2017.
  - The development proposed is single storey side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 44 North Road, Preston, Brighton, BN1 6SP in accordance with the terms of the application, Ref BH2017/00589, dated 20 February 2017, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: D1618-100, D1618-150, D1618-250 and D1618-350.
  - 3) No development shall commence until details of the materials and a sample panel of flintwork to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and sample.

### Main issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal property is a two storey white rendered house at the end of a terrace of four houses which share some similarities of style and detailing. It is located on the corner with Home Road to which its side elevation presents a blank wall. There is a low brick wall forming the boundary with Home Road which is set at an angle to the house, leaving a narrow triangular area of land.

4. The site lies just within the Preston Village Conservation Area, most of which encompasses Preston Manor and the open areas of sports grounds and Preston Park. In the vicinity of the appeal site the boundary runs between the properties in North Road and Lauriston Road. It includes a small section of Home Road between the site and South Road. This part of the conservation area is residential in character and quite mixed. North Road has a variety of house forms and materials including houses of flint with brick detailing and flint/brick boundary walls, white rendered houses and houses of a mix of brick and render. Most are located on or close to the footpath.
5. Home Road has no cohesive building style, partly because the properties on the east side to the north of North Road have their side elevations rather than their principal elevations facing the street and partly because of the heavy vegetation screening the railway line to the west. Low brick walls are a common feature along the boundaries, together with timber fences and hedges. The properties fronting Home Road immediately to the south are modern semi-detached houses which have little in keeping with the character and style of the properties in North Road and Middle Road apart from the use of brick and render.
6. The proposed single storey extension would fill in the triangular gap at the side of the house. It would involve the demolition of the existing low brick boundary wall and its replacement with the new side wall of the extension constructed of flint with brick quoins.
7. The policies relevant in this case include Policies QD14 and HE6 of the Brighton and Hove City Plan Part One 2016 (the City Plan). QD14 allows for extensions to buildings provided they are, among other things, well designed and sited in relation to the existing building and the surrounding area. HE6 requires development in conservation areas to preserve or enhance the character or appearance of the area and, among other things, to be of a high standard of design and detailing, and use materials sympathetic to the area.
8. Also relevant are Supplementary Planning Documents 12 and 09 (the SPDs) which offer design guidance for extensions and the use of architectural features.
9. I consider that the size and height of the proposed extension is modest in proportion to the existing house. It would present a simple profile in the street scene, being slightly lower than the existing lean-to shed which is attached to the building and appears as something of an anomaly. SPD12 advises that the use of flat roofs is normally unacceptable unless the host building has one, especially where it affects the street scene. In my opinion, the use of a flat roof and parapet in this instance would present a low profile which would be relatively easily assimilated into the street scene, while the side wall would be more likely to appear as a substantial garden wall rather than part of the house. The rooflight would not be readily visible from the street because of its low profile and the parapet wall.
10. Low brick boundary walls are a common theme along much of Home Road near the appeal site. However, many of them are obscured or otherwise dominated by fences or vegetation. The plans submitted with the application indicate that the proposed flint wall would be constructed on top of a low brick base diminishing in height as it rises up the hill, in a similar manner to that of the Old Forge in North Road.

11. In this context, I consider that although flint is not as prominent a material in Home Road as it is in North Road and parts of Middle Road it would not be wholly out of keeping with either the immediate surroundings or the rest of this part of the conservation area. This is particularly so since there is no cohesive pattern of building along Home Road.
12. The appeal property is a small house with a modest level of accommodation, and in my view, making use of the small area of land to the side would improve the living accommodation. Although the extension would not be consistent with the guidance in the SPDs in all respects, I consider that, overall, the proposal would result in an acceptable form of development in accordance with City Plan policies.
13. I conclude that the proposed extension would preserve the character and appearance of the conservation area and that it would be consistent with City Plan policies QD14 and HE6 and the advice in SPD12 and SPD09.
14. For the reasons given above I conclude that the appeal should be allowed.

### **Conditions**

15. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt.
16. The Council has suggested one condition requiring the materials to be used in the construction of the external surfaces to match those in the existing building and another to submit a sample of flintwork. As the existing building is white painted render and the materials indicated on the plans for the external surfaces are brick and flint, these conditions are contradictory. I shall therefore impose a condition requiring details and a sample of the external materials to be submitted to and approved by the Local Planning Authority. Such a condition is necessary in order to ensure the satisfactory appearance of the development.

*PAG Metcalfe*

INSPECTOR







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## Appeal Decision

Site visit made on 20 September 2017

**by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2<sup>nd</sup> October 2017**

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**Appeal Ref: APP/Q1445/D/17/3178559**

**31 Harrington Road, Brighton, BN1 6RF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mike Thomson against the decision of Brighton and Hove City Council.
  - The application Ref BH2017/01021, dated 24 March 2017, was refused by notice dated 19 May 2017.
  - The development proposed is hip to gable loft conversion with rear dormer, removal of 2 chimneys and creation of 1 new chimney to match.
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### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect of the proposal on the character and appearance of the conservation area.

### Reasons

3. The appeal property is a late 19<sup>th</sup> century two storey detached house. It is constructed of red brick on the front elevation with a forward projecting gable element incorporating a white painted ground floor bay window and tile hanging at first floor level. The side and rear elevations are of a darker brick with red brick quoins and window surrounds. There is a rear projecting gable element. There is a decorative plaque to the side of the front door and a patterned, tiled front garden path.
4. The roof form is something of an anomaly in comparison with the majority of the other houses in the street, in that, although the steepness of the pitch is not unusual, it has a very short ridge parallel to the road and is covered in a type of pantile, the colour and form of which are untypical of the character and appearance of the surrounding houses. This roof form and its materials give what is otherwise a reasonably well-proportioned house a somewhat pinched character which detracts from its appearance.
5. The site lies within the Preston Park Conservation Area. In assessing the proposal I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and as heritage assets are irreplaceable, any loss or harm to them requires clear and convincing justification.

6. The conservation area in the immediate surroundings of the site is characterised by substantial two storey detached and semi-detached houses. There is a much less cohesive streetscape here than in those parts of the conservation area characterised by more formal terraces, with a very wide variety of styles, detailing and roof form along Harrington Road, although common themes are red brick, tile hanging and slate or clay tiled roofs. The majority have substantial roofs with long ridges, several with half-hips and strong front gable elements.
7. The policies relevant in this case include Policies QD14 and HE6 of the Brighton and Hove City Plan Part One 2016 (the City Plan). QD14 allows for extensions to buildings provided they are, among other things, well designed and sited in relation to the existing building and the surrounding area. HE6 requires development in conservation areas to preserve or enhance the character or appearance of the area and, among other things, to be of a high standard of design and detailing, and to use materials sympathetic to the area.
8. Also relevant are Supplementary Planning Documents 12 and 09 (the SPDs) which offer design guidance for extensions, including roof conversions, and the use of architectural features. These advise that the original form, shape and height of a roof should not be altered where this would harm group value, that new rooflights should be as few and as small as possible, and that chimney stacks should be retained.
9. The proposal consists of a number of elements, each of which I have considered in the context of their impact on the character and appearance of the existing house itself and the wider conservation area. The element which would have the greatest impact in this context is the conversion of the hipped roof to a gable at each side elevation. This would result in a radical change to the character of the building. However, in my opinion, it would not necessarily be harmful.
10. The existing projecting front and rear gable elements would be retained and remain prominent and the enlarged roof would not be dissimilar to several others in the street, including the immediate neighbouring properties at Nos. 27 and 29. The latter are mentioned in the Conservation Area Character Statement with reference, among other things, to their original slate roofs. There is no clear uniformity of roof forms along the street to be disrupted by the proposal and I consider that the appearance of the building as a whole would be improved by the construction of a roof of proportions better suited to those of the existing house. The proposed use of slate would be an improvement.
11. Overall, I consider that the proposed conversion from hip to gable would improve the appearance of the building and make a positive contribution to the character and appearance of the conservation area. The lack of a cohesive form of development in this part of the conservation area means that there is no inherent group value to be adversely affected by alterations to an individual building.
12. With regard to the other, smaller elements, I consider that they would introduce discordant elements which would detract from the improvement brought about by the conversion. The proposed dormer window, even as reduced in size compared to an earlier proposal and considered in the context of the enlarged roof, would be excessive in size, particularly in terms of its

- width. I accept that it would be at the rear and therefore not readily visible from public viewpoints. However, in my view, the provision of a dormer of this width in order to line it up with the first floor windows below it would result in a feature which would appear out of scale with building as a whole, contrary to policy QD14 and the advice in SPD12.
13. I consider that the number of proposed rooflights to the front and front gable, which would be visible from the street, would be excessive and would result in a cluttered appearance when viewed from the street. I appreciate the desirability of providing as much light as possible into the new living accommodation. However, I am not persuaded that this number of rooflights and their locations are acceptable in the conservation area and in this respect they are not consistent with policy HE6 and the advice in SPD12.
  14. I have considered the examples of dormers and rooflights elsewhere in the vicinity. While some of them may have been granted planning permission, rather than have been constructed under permitted development rights, in my view, they do not necessarily contribute positively to the character and appearance of the conservation area. In the case of rooflights, this is particularly so where there are several on one building visible from the street. I see no reason to allow further examples.
  15. The existing chimneys are important and attractive features which add interest to the existing building and to the street scene in general. Their decorative form is characteristic of several other houses along the street and their impact is increased by their height above the roof plane. The loss of the chimney at the rear on the east side would to some extent diminish the interest in the street scene provided by such a feature. However, since it is less visible than the other two more prominent chimneys which would remain, I consider that this would not be sufficient reason, on its own, to dismiss the appeal.
  16. In conclusion, I find that the main part of the proposal, the conversion of the roof from hip to gable is acceptable in the context of a street scene where there is no cohesive form of development, and that it would improve the appearance of the host building and enhance the character and appearance of the conservation area. On the other hand, I find that the smaller elements, namely the dormer window and rooflights, would detract from the overall form and appearance of the remodelled roof and consequently of the building as a whole and the street scene. In this respect, they would not preserve or enhance the character and appearance of the conservation area.
  17. I conclude that, on balance, the principle of the roof conversion is acceptable, but that the overall design falls short of the high standard required in the conservation area in that it is poorly detailed in terms of the size of the proposed dormer and the number of rooflights. The proposal would have a harmful impact on the townscape of the conservation area and would therefore fail to preserve or enhance its character and appearance. It would be contrary to City Plan policies QD14 and HE6 and the advice in the SPDs.
  18. For the reasons given above I conclude that the appeal should be dismissed.

*PAG Metcalfe*

INSPECTOR





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## Appeal Decision

Site visit made on 28 September 2017

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 October 2017**

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**Appeal Ref: APP/Q1445/D/17/3179340**

**11 Kensington Place, Brighton BN1 4EJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Barry Leigh against the decision of Brighton & Hove City Council.
  - The application Ref: BH2017/00439 dated 7 February 2017 was refused by notice dated 19 April 2017.
  - The development proposed is infill rear extension; parapet wall to match existing, flat roof and new glass studio.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the appeal stage the Appellant referred to a revised proposal to offset the rear extension at the upper floor by 1 metre which he had sought to discuss with the Council prior to determination. I am, however, required to determine the appeal on the basis of the plans determined by the Council.

### Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the North Laine Conservation Area.

### Reasons

4. The appeal property is a mid-terraced property on the west side of Kensington Place. As with all the properties in Kensington Place, and notwithstanding the planting at the rear of the appeal site, the rear elevation is partly seen from the lane to the west, Trafalgar Lane, above the rear boundary walls. Both streets form part of the designated heritage asset of the North Laine Conservation Area. This Conservation Area is characterised by an irregular linear grid pattern of mainly modest terraced properties dating generally from the early nineteenth century onwards and providing a lively yet intimate mixed use area comprising residential, retail and commercial premises. Although there have been numerous changes and additions over the years, the modest scale, form and historic layout of the properties and street pattern remains a predominant characteristic of the Conservation Area.

5. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.
6. The proposal would comprise a two storey rear infill extension which would extend to 'square off' the existing floor plan and rear elevation, with a single storey glass box studio to the rear. I appreciate that there have been a number of individual alterations and additions to the rear elevations of the properties in Kensington Place which can be seen in part from Trafalgar Lane, but in the main the original layout of the properties is still read, with the Victorian pattern of rear outriggers extending further to the rear than the main property. This pattern of development contributes to the character and appearance of the Conservation Area.
7. The appeal proposal would bring built development over two storeys across the whole rear elevation and would remove the original form and layout of the building. Furthermore, it would provide a continuous bulk and massing of development alongside the outriggers to the adjoining properties, which would detract from the general pattern of development along the rear of the terrace.
8. The impact of the proposed two storey rear extension with the loss of the original form to the property would result in harm to the character and appearance of the existing property and the contribution that the appeal property makes to the significance of the designated heritage asset. The proposal would not therefore preserve the character and appearance of the North Laine Conservation Area. This harm would conflict with Policies QD14 and HE6 of the Brighton and Hove Local Plan, Policy CP15 of the Brighton & Hove City Plan Part One and guidance within Supplementary Planning Document 12 Design Guide for Extensions and Alterations, as well as the National Planning Policy Framework and in particular Section 12: Conserving and enhancing the historic environment. These policies and guidance all seek a high standard of design which respects the local context and re-enforces local distinctiveness, with particular regard to conserving designated heritage assets.
9. I have sympathy with the Appellant's personal reasons for seeking the additional accommodation, but these do not outweigh the harm I have concluded. The Appellant has drawn my attention to other submitted applications in the close vicinity of the appeal site, some of which also proposed two storey infill extensions. I have taken these into account but each proposal must be considered on its individual merits and they do not persuade me to a different conclusion in this case, given my findings on the harm to the existing building and designated heritage asset.
10. Paragraph 134 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been advanced although work on the proposal could lead to some small benefits to the local economy and would add to the provision of residential accommodation. I have taken into account that the proposal would result in environmental benefits to the fabric of the property, but there is nothing before me to suggest that the proposal before me would be the only means to achieve such benefits. Whilst the harm to the designated heritage asset of the Conservation Area would, in my view, be less

than substantial, the public benefits would not be sufficient to outweigh that harm.

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR







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## Appeal Decision

Site visit made on 28 September 2017

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 October 2017**

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### **Appeal Ref: APP/Q1445/D/17/3178668 50 Braemore Road, Hove BN3 4HB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Chris Herron against the decision of Brighton & Hove City Council.
  - The application Ref: BH2017/01084 dated 28 March 2017 was refused by notice dated 31 May 2017.
  - The development proposed is rear and two storey side extension.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The Council amplified the description of development to include all the constituent elements of the proposal. I have referred to the description as set out on the application form but have taken full account of the whole proposal, as set out on the submitted plans and the information before me.

### **Main Issue**

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the existing property and on the street scene.

### **Reasons**

4. The appeal property is a semi-detached property with a detached garage to the side, on the west side of Braemore Road, within a predominantly residential area. Most of the properties in the road date from a similar period and apart from a small number of detached properties, most are semi-detached with bay windows to ground and first floor above, the details of the bays varying along the pairs of semi-detached dwellings. There have been a number of alterations and additions to some of the properties, including at roof level.
5. Notwithstanding the various alterations which I saw on my site visit, and the examples to which the Appellant has drawn my attention, I do not consider that the guidance under Section 3.5 of the Council's Supplementary Planning Document 12: Design Guide for Extensions and Alterations (SPD) which indicates that *where the overwhelming majority of roofs to a terrace, semi-detached pair or group of buildings have been altered, the Council may permit additions that seek to recreate some sense of unity and coherence*, is applicable in this street and local area. The predominant pattern of

development within the street scene remains, in my view, the semi-detached pairs with their original bay front windows and hipped roofs.

6. The proposal would comprise a two storey rear and side extension, together with a single storey rear extension adjoining No.52. The roof would be extended and altered from the existing hip to a barn end extension over the extended property together with roof lights to create accommodation in the roof. The proposal also includes a raised patio at the rear with glass balustrade.
7. I have noted but do not agree with the Appellant's contention that the design, particularly at roof level and from the front, would create a visually balanced appearance with both No 52, which is the other 'half' of the pair as well as with No 48 which has a side dormer extension. The proposed side extension would be set back from the front and as a result I consider that there would be two distinct elements in the street scene; the barn end to the main roof would be more dominant in the street scene and the sloping roof to the extension would be set back. The extended ridge line to the main roof and change to a barn end roof would result in an unbalanced roof form with the adjoining 'half' of the pair, which would be visually intrusive in the street scene. Moreover, I consider that the relationship between the two elements of the proposal, particularly at roof level, would be visually discordant with an incongruous and contrived roofline, which would further detract from the character and appearance of the existing property and the street scene. I also agree with the Council that in the street scene it is primarily the symmetry between the two 'halves' of a semi-detached pair which contributes to the characteristic pattern of development.
8. I therefore consider that the proposed design would not respect the character or appearance of the existing property, or the semi-detached pair and would detract from the predominant pattern of development in the street scene. This would conflict with Policy QD14 of the Brighton and Hove Local Plan, and guidance within the SPD, as well as the National Planning Policy Framework and in particular Section 7, all of which seek a high quality of design which respects the local context and local distinctiveness.
9. The Appellant has referenced the permitted development fallback position, although there is no formal confirmation before me of this option. Furthermore, the Appellant has stated that such a solution would not meet the needs of the family. However, on the basis that such an option were both permissible and undertaken, I agree that this would change the form of the roof and unbalance the relationship with the adjoining 'half', but this does not persuade me to grant permission for the scheme before me, given the harm I have concluded.
10. I also appreciate that the proposed accommodation would improve the living accommodation for the benefit of the family but this does not outweigh the conclusion I have reached.

### **Other Considerations and Conclusion**

11. An objection has been received from the neighbouring residents at No 52 regarding the impact on their living conditions from loss of light, overlooking and loss of privacy. However, taking into account the scale, form and relationship of the proposed extension with the neighbouring property, as well as the proposed positioning of windows, I am satisfied that it would not result in any material harm to the living conditions of the adjoining neighbours. Moreover, were there no other matters of concern and planning permission

were to be granted, conditions could be imposed regarding the nature of the boundary treatments and to control the addition of subsequent openings to protect the living conditions of the neighbours. The Council also raised no concerns in these regards.

12. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR





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## Appeal Decision

Site visit made on 4 October 2017

**by Mr Kim Bennett DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 October 2017**

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**Appeal Ref: APP/Q1445/D/17/3179847**  
**25 Rutland Road, Hove, BN3 5FF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Lever against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/00415, undated but received by the Council on 7 February 2017, was refused by notice dated 8 May 2017.
  - The development proposed is a rear first floor extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a rear first floor extension at 25 Rutland Road, Hove BN3 5FF in accordance with the terms of the application, Ref BH2017/00415, undated but received by the Council on 7 February 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P001; P013; P015; P017; P113F; P115E; P117E and P119A.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matter

2. In the interests of clarity I have altered the description of development from 'Rear 1F' as it appeared on the application form, to rear first floor extension as set out above.

### Main Issues

3. The main issues are: the effect of the proposal on the character and appearance of the area and the host dwelling; and the effect on the living conditions of the occupiers of the neighbouring residential property No 27 Rutland Road.

## Reasons

### *Character and appearance*

4. The appeal property comprises an end of terrace two storey house on the corner of Rutland Road and Wordsworth Street. At the rear there is a two storey rear projection set in from the southern boundary by approximately 1.5metres. The adjoining property, No 27 Rutland Road, has a similar rear projection, but it extends further at single storey level and accommodates an open terrace above. No 25 also has a large rear dormer roof extension and both that and the rear projection are readily apparent in the street scene when viewed from Wordsworth Street. No 25 has a small rear garden and beyond that is the blank wall of the end of terraced house in Wordsworth Street, No 129.
5. The character of the area is wholly residential with terraces of similar age and similar relationships between corner properties and those to the rear in adjoining roads.
6. The Council is concerned that the extension would appear over dominant from the rear because of the proposed overhanging first floor, and would have a negative effect on the street scene.
7. However, the only significant difference from the existing situation would be a rear first floor element, extending just over 1 metre and cantilevered over the ground floor element. Because of the existing boundary wall/fence which is shown to remain as existing on the plans before me, I agree with the appellants that the cantilevered design would not be readily apparent in the street scene.
8. Whilst I acknowledge that the proposed extension would have a slightly more dominating presence than is currently the case, as noted above, the existing combined rear projection and rear dormer is already somewhat dominating and I do not consider the proposed changes would make a significant difference. In driving around the area I also noted that there are a variety of rear extensions to corner properties which are visible in the street scene, most with different designs and varying extent of rearward projections.
9. The proposed design would be similar in style to the existing rear projection, including the parapet roof and with white render to match the existing property. I therefore do not consider it would appear out of character with the existing property as a result.

### *Living conditions*

10. The adjoining property No 27 Rutland Road has an extremely small rear yard as a result of its ground floor extension projecting well beyond the existing two storey projections of both Nos 25 and 27. The proposed first floor projection of the extension would not extend as far as No 27's ground floor extension and there would be no impact upon the rear of No 27 as a result. As noted above, No 27 has an open terrace on top of the ground floor extension with a door and small window leading on to that. A diagram in support of the application demonstrates that light reaching that door and window would not be obstructed by the '45 degree' rule and having assessed that situation on site, I agree with that assessment. Furthermore, given the size and open nature of

the existing terrace and the fact that the first floor projection would only extend 1 metre beyond the rear first floor wall of No 27, I do not consider there would be any significant enclosing effect which the Council is also concerned about. I also note that there has been a letter of support received from the occupiers of No 27 in the above respects which adds weight to my own findings.

### **Conclusions**

11. Having regard to the above, I find that there would be no harm arising to the character and appearance of the host building or the area, nor to the living conditions of the occupiers of No 27 Rutland Road. The proposed development would therefore comply with Saved Policies QD14 and QD27 of the Council's Local Plan (retained policies March 2016) in that it would be well designed and sited in relation to the property, would take account of the character of the area, and would not result in harm to the amenity of neighbouring properties.
12. Although it would not be compliant with all aspects of the Council's Supplementary Planning Document 'Design Guide for Extensions and Alterations' 2013 in respect of there being less than a 7 metre gap to the rear of the building, that is not presently the case, nor is it part of the character of the area. It is therefore not strictly necessary in this instance.
13. Conditions requiring the development to be built in accordance with the approved plans and for matching materials are necessary in the interests of certainty and visual amenity.
14. Accordingly, subject to the above conditions, the appeal is allowed and planning permission granted.

*Kim Bennett*

INSPECTOR







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## Appeal Decision

Site visit made on 28 September 2017

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 October 2017**

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**Appeal Ref: APP/Q1445/D/17/3179059**

**1 Selborne Road, Hove BN3 3AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Crown against the decision of Brighton & Hove City Council.
  - The application Ref: BH2016/05792 dated 20 October 2016 was refused by notice dated 5 May 2017.
  - The development proposed is erection of single storey extension on second floor; installation of frameless glazed balustrade on roof.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the appeal stage the Appellant submitted a revised proposal to seek to address the reasons for refusal. I am, however, required to determine the appeal on the basis of the plans determined by the Council.
3. The Appellant has drawn to my attention the application timescales and process but these are matters that would need to be discussed direct with the Council; my decision is based on the planning merits of the proposal before me.

### Main Issues

4. The main issues in this appeal are:
  - a) The effect of the proposal on the character and appearance of The Willett Estate Conservation Area.
  - b) The effect of the proposal on the living conditions of adjoining neighbours, with particular regard to overlooking and loss of privacy.

### Reasons

#### ***Issue a) Character and appearance***

5. The appeal property is a detached residential property on the west side of Selborne Road, and at the southern end of this residential street, close to the junction with Church Road, which has a mix of retail and commercial together with residential properties. The appeal property lies at the southern end of the Willett Estate Conservation Area. This Conservation Area is generally characterised by large bay fronted detached, semi-detached and short terraces

of houses set on wide, tree lined streets. Although there have been various alterations to individual properties there remains a continuity of historic form across the Conservation Area. The appeal property does not follow the typical detailing of the properties within the street and is distinguished from its immediate neighbours to the north with its flat fronted appearance.

Nonetheless, it is an attractive building which contributes to the street scene.

6. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.
7. The existing property has accommodation at second floor level with both an irregular-shaped front and rear building line, leading out to areas of terrace, with a further irregular shaped area of terrace over the central part of the flat roof over the main house, which is surrounded by railings. The proposal would extend the accommodation at second floor level towards the front and the rear and extend the terrace at roof level, and replace the railings with a frameless glass balustrade.
8. The existing accommodation and terrace and railings can be viewed in the street scene, particularly when approaching from the south, and the irregular form of the accommodation at second floor and railing line above is apparent and is out of character with the more regular lines characteristic of the surrounding development. However, I consider that the scale and massing of the proposal, including the removal of the existing parapet line would result in a bulky addition at the second floor that would not appear subservient in form to the existing property. Furthermore, the proposed alignment of windows would not respect the existing order of fenestration and would contribute to the visual discordance of the proposed extension, in relation to the existing building. The proposal would appear as a top heavy addition that would detract from the character and appearance of the existing building and the contribution it makes to the street scene.
9. I have taken account of the proposed objective of the Appellant is seeking to replace the existing railings with frameless clear glazing. However, I agree with the Council that the proposed replacement would, from a number of viewpoints, and given their solid and reflective appearance, appear heavier and more visually intrusive than the existing railings. They would, therefore, add to the bulk and massing of development at roof level and would further detract from the character and appearance of the existing building and the contribution it makes to the street scene.
10. I therefore conclude that the proposal before me would result in harm to the character and appearance of the existing property and the contribution that the appeal property makes to the significance of the designated heritage asset of the Conservation Area. The proposal would not therefore preserve the character and appearance of The Willett Estate Conservation Area. This harm would conflict with Policies QD14 and HE6 of the Brighton and Hove Local Plan, Policy CP15 of the Brighton & Hove City Plan Part One and guidance within Supplementary Planning Document 12 Design Guide for Extensions and Alterations, as well as the National Planning Policy Framework (Framework) and in particular Section 12: Conserving and enhancing the historic environment. These policies and guidance all seek a high standard of design

which respects the local context and re-enforces local distinctiveness, with particular regard to conserving designated heritage assets.

11. Paragraph 134 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been advanced although work on the proposal could lead to some small benefits to the local economy and would add to the provision of residential accommodation. Whilst the harm to the designated heritage asset of the Conservation Area would, in my view, be less than substantial, the public benefits would not be sufficient to outweigh that harm.

### ***Issue b) Living Conditions***

12. There is an existing roof terrace which would be proposed to be extended and made more regular in shape. I understand that this does not benefit from planning permission but the Council has advised that the terrace and railings appear to have been in existence for more than four years. I have therefore taken a similar approach to the Council, to compare the proposed with the existing situation.
13. There is already some mutual overlooking between the existing terrace and windows and other terraces in surrounding buildings. However, given the existing situation and limited extent of enlargement, I do not consider that the existing situation would be materially altered as a result of the proposed extension and regularisation of the roof terrace. I do not therefore consider that the proposal would materially harm the living conditions of surrounding neighbours, with particular regard to overlooking and loss of privacy. There would be no conflict with Policies QD14 and QD27 of the Local Plan or one of the Core Principles in the Framework which seeks to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### **Conclusion**

14. I have concluded, under my first main issue, that the proposal would not preserve the character and appearance of The Willett Estate Conservation Area and that the public benefits would not be sufficient to outweigh that harm. I have taken into account the family related reasons for seeking the increased and improved accommodation and whilst, under my second main issue I am satisfied that there would be no harm to the living conditions of the neighbours, these findings do not outweigh the harm I have concluded under my first main issue.
15. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR





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## Appeal Decision

Site visit made on 28 September 2017

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 October 2017**

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**Appeal Ref: APP/Q1445/D/17/3179049**

**12 Colebrook Road Brighton BN1 5JH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sean Bleach against the decision of Brighton & Hove City Council.
  - The application Ref: BH2017/01397 dated 19 April 2017 was refused by notice dated 19 June 2017.
  - The development proposed is demolition of existing garage and erection of two storey detached annexe (non self-contained) (resubmission of BH2016/05832).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. One of the Council's reasons for refusal relates to the effect of the proposal on the living conditions of the neighbours at No 10 and reference is made in the Officer's report to a side facing first floor window serving a bedroom in an extension to the main house, granted permission under the Council's reference BH2016/02702 and under construction. At the time of my site visit, I noted that the extension was at a relatively advanced stage of construction with an opening in the side elevation at first floor level facing towards the appeal property. I have therefore requested the permitted plans relating to the permission and have invited further comments from both the Appellant and the Council on these plans in relation to this appeal, but no representations have been received.
3. I note that a previous application for a similar form of development has been refused by the Council, but my consideration relates to the proposal before me.

### Main Issues

4. The main issues in this appeal are:
  - a) The effect of the proposal on the living conditions of adjoining neighbours, with particular regard to loss of outlook,
  - b) Whether the proposal would constitute a separate unit of residential accommodation rather than an ancillary use, and
  - c) The effect of the proposal on the character and appearance of the local area.

## **Reasons**

### ***Issue a) Living Conditions***

5. The appeal property is a detached house with an existing detached garage to the south within a predominantly residential area. There is considerable variety to the design and form of the surrounding properties. The land slopes down from north to south with the neighbouring property at No 10 set at a lower level than the appeal property. The neighbours at No 10 are constructing an extension pursuant to planning permission BH2016/02702, which includes a bedroom at first floor level with a single window facing towards the appeal property and therefore the only source of light and outlook to that room.
6. I have taken into account the existing boundary treatment and the spacing to the boundary. However, the height, together with the extended bulk and massing of the proposed annexe along this boundary would, in my view, significantly harm the outlook from that room to the detriment of the living conditions of the neighbours. The harm would be exacerbated because of the slope of the land with the neighbouring property set at a lower level than the appeal property. The proposal would appear as an over dominant form which would significantly restrict the outlook from that room.
7. The Appellants have contended that the proposal would not result in any overshadowing to the adjacent property and would reduce overlooking between the neighbours and the side facing windows in the main house at the appeal property. However, my principal concern is with the effect of the proposal on the outlook from the neighbouring bedroom with the side facing window. I note that the neighbours have not objected to the proposal, but the proposal would endure for subsequent occupants and it is one of the Core Principles of the National Planning Policy Framework (Framework) to ensure a good standard of amenity for all existing and future occupants of land and buildings. The proposal would in my view fail to meet this Core Principle of sustainable development.
8. This harm would also conflict with Policy QD27 of the Brighton and Hove Local Plan (Local Plan) which also seeks to protect the amenities of neighbours. The Council has not specifically referenced Policy QD14 of the Local Plan in this regard but I consider that it would also conflict with criterion b of that policy which similarly seeks to protect the amenities of neighbours.

### ***Issue b) The Proposed Residential Accommodation***

9. The proposed annexe would provide a living room and bedroom with shower room on the ground floor (in addition to a single garage) and bedroom and bathroom at first floor. I agree with the Council that although no kitchen facilities have been included, the accommodation would be large enough for these to be subsequently incorporated. Notwithstanding the close proximity of the proposed annexe to the main house, given the size of the accommodation and the inclusion of bathrooms, and potentially some kitchen facilities, I also agree that the occupier(s) of the proposal would be able to benefit from some independence in their living arrangements from the main house in a number of ways.
10. I note the Council's concerns regarding the potential suitability of the proposal as a separate dwelling, both in terms of its general siting and accessibility.

However, from the information provided by the Appellant regarding the annexe and the way in which it would operate this would not appear to be the Appellant's intention and it is not what has been applied for. Given that the proposal is for an annexe, the issues relating to its potential suitability as a separate dwelling have not therefore been addressed or examined.

11. The proposal would not be attached to the main dwelling but this would not, on its own, lead me to conclude that the proposed building would form an independent residential unit. There would be a very close proximity between the proposal and the main house in terms of accessibility and outlook from the main house, particularly from the side facing windows. From the information before me, as well as my site visit, I conclude that the proposed accommodation in the circumstances of this case would provide and would be suitable to provide ancillary accommodation for the main house, rather than being tantamount to the creation of a new dwelling. Furthermore, in the event that there were no other matters of concern and planning permission were to be granted, a condition could be imposed to ensure that the occupation of the proposed annexe would remain ancillary to the main dwelling. Contrary to the views of the Council and given that the application is specifically for an annexe (non self-contained) I see no reason why such a condition would not be appropriate and in turn enforceable.
12. I therefore conclude that the proposal would be ancillary to the main dwelling and that there would be no conflict with Policies QD14 and QD27 of the Local Plan and policy CP12 of the Brighton & Hove City Plan Part One (City Plan) with regard to the proposed form of the development.
13. The Council has referred to an appeal decision in Chichester from 2002 although a copy of that decision has not been provided to me. I am not aware of the particular circumstances in that case. Each decision must be based on its individual planning merits and I have come to my conclusion in this case based on the facts and evidence before me.

***Issue c) Character and appearance***

14. The proposal would be of similar width to the existing garage but higher to enable accommodation at roof level with the ridge running east to west and presenting a gable end under a barn hipped roof to the front and to the rear. Its scale, height, bulk and massing would still, in my view, appear ancillary to the size and form of the main property and would not appear as a cramped or over-intensive form of development in relation to the size of the plot.
15. I have noted the Council's concerns regarding the barn hipped roof which does not, in its view, relate to the design and form of the main property. However, I do not consider that this feature, given its small scale in relation to the main property, would appear visually incongruous. This design element would not, on its own, be sufficient to withhold planning permission, were no other matters of concern and planning permission were to be granted.
16. There is considerable variety to the scale and massing of the individual properties in this part of Colebrook Road, with some extending close to the boundaries with neighbouring properties. Given the variety in scale and form and my view that the proposal would be appropriate in relation to the existing property and plot, I am also satisfied that the proposal would not harm the character and appearance of the local area.

17. I therefore conclude that the proposal before me would not result in harm to the character and appearance of the existing property or to the local area. There would be no conflict with Policy CP12 of the City Plan and Policy QD14 of the Local Plan as well as the Framework and in particular Section 7: *Requiring good design*. These policies all seek a high standard of design which respects the local context and re-enforces local distinctiveness.

### **Conclusion**

18. I have concluded, under my first main issue, that the proposal would harm the living conditions of the neighbours at No 10. Although I have found that the proposal would not harm the character and appearance of the local area and the proposal could be addressed by condition to control its ancillary nature, these findings do not outweigh the harm I have concluded under my first main issue.

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR