




**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	18 July 2018
Time:	1.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Morgan, Morris and Platts</p> <p>Co-opted Members: Conservation Advisory Group Representative</p>
Contact:	<p>Penny Jennings Democratic Services Officer 01273 291065 planning.committee@brighton-hove.gov.uk</p>

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	<p align="center">FIRE / EMERGENCY EVACUATION PROCEDURE</p> <p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</p> <ul style="list-style-type: none"> • You should proceed calmly; do not run and do not use the lifts; • Do not stop to collect personal belongings; • Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and • Do not re-enter the building until told that it is safe to do so.

AGENDA

12 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.

13 MINUTES OF THE PREVIOUS MEETING

1 - 20

Minutes of the meeting held on 6 June 2018 (copy attached)

14 CHAIR'S COMMUNICATIONS

15 PUBLIC QUESTIONS

PLANNING COMMITTEE

Written Questions: to receive any questions submitted by the due date of 12 noon on 12 July 2018.

16 REQUEST TO VARY SECTION 106 AGREEMENT, BAPTIST TABERNACLE, MONTPELIER PLACE, BRIGHTON 21 - 24

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

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

18 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 BH2018/00340 -Former Amex House, Edward Street, Brighton - Full Planning 25 - 96

Erection of a mixed use development to provide 168no residential dwellings (C3), 16,684sqm (GEA) of commercial floorspace (B1), 1,840 sqm (GEA) of ancillary plant/storage and 1,080 sqm (GEA) flexible floorspace comprising commercial and/or retail and/or residential communal space and/or non-residential institution (B1, A1, A3, C3, and D1) across lower ground and 4 and 8 storeys above ground, with associated parking, hard and soft landscaping and access.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Queens Park

B BH2018/00689, Preston Barracks, Mithras House, Watts Building, Lewes Road, Brighton- Reserved Matters 97 - 120

Watts Site: Reserved matters application pursuant to outline permission BH2017/00492 for approval of layout, scale and appearance relating to the University's proposed multi-storey car park and access road, forming defined site parcels 3 and 4 respectively.

RECOMMENDATION – GRANT

Ward(s) Affected: Moulsecoomb & Bevendean and Hollingdean & Stanmer

C BH2017/02869, 10 Shirley Drive, Hove- Outline Planning Application 121 - 142

Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with

PLANNING COMMITTEE

associated parking (C3).

RECOMMNDATION – MINDED TO GRANT

Ward Affected: Hove Park

- D BH2018/00248, Patcham High School, Ladies Mile Road, Brighton - Full Planning 143 - 164**

Erection of 4no court sports hall with changing facilities.
Reconfiguration of existing sports pitches to facilitate creation of new netball courts and a 3G football pitch with fencing and floodlighting, footpath access routes and other associated works.

RECOMMENDATION - MINDED TO GRANT

Ward Affected: Patcham

MINOR APPLICATIONS

- E BH2018/00700, Peter Pan's Adventure Golf, Madeira Drive, Brighton - Full Planning 165 - 186**

Erection of 16 meters high rope climbing course above existing golf course.

RECOMMENDATION – GRANT

Ward Affected: East Brighton

- F BH2018/01221, Microscape House, Hove Park Villas, Hove - Full Planning 187 - 198**

Alterations and extension to third floor flat, including increase to ridge height, following prior approval application BH2016/05473 for change of use from offices (B1) to residential (C3) to form 7no flats. (Part retrospective).

RECOMMENDATION- GRANT

Ward Affected: Goldsmid

- G BH2017/04113, 64 St James's Street, Brighton - Full Planning 199 - 210**

Part demolition of existing building. Erection of three storey extension to front elevation and creation of additional storey to rear elevation to facilitate enlargement of studio apartment to two bedroom apartment and associated works.

RECOMMENDATION – GRANT

Ward Affected: Queen's Park

- H BH2017/03648, 7 Howard Terrace, Brighton- Full Planning 211 - 228**

Change of use and part demolition of existing storage buildings (B8) to form of 1x one bed flat, 1x two bed flat, 2x three bedroom houses, cycle storage and associated works.

RECOMMENDATION – GRANT

Ward Affected: St Peter's & North Laine

- I BH2016/06391, 123 - 129 Portland Road, Hove - Full Planning 229 - 242**

Creation of additional floor to provide 1no one bedroom flat and 3no

PLANNING COMMITTEE

two bedroom flats (C3) with associated alterations.

RECOMMENDATION – GRANT

Ward Affected: Westbourne

- J BH2017/04070,8 Lloyd Road, Hove - Full Planning 243 - 262**
Demolition of garage and erection of 2 bedroom residential dwelling (C3) to rear and associated alterations.
RECOMMENDATION – GRANT
Ward Affected: Hove Park
- K BH2017/03152,39 Dyke Road Avenue, Hove Full Planning 263 - 290**
Erection of part one part two storey rear extension to facilitate three new blocks on existing care home.
RECOMMENDATION – GRANT
Ward Affected: Hove Park
- L BH2017/03830, 19 Shirley Drive, Hove- Householder Planning Consent 291 - 302**
Erection of first floor side extension over existing garage and a porch to the front elevation and a porch to the side elevation.
RECOMMENDATION – WOULD HAVE GRANTED
Ward Affected: Hove Park
- M BH2018/00081,51 Woodland Avenue, Hove- Householder Planning Consent 303 - 314**
Demolition of single storey rear extension. Erection of a part one part two storey rear extension, single storey side extension and associated works.
RECOMMENDATION – GRANT
Ward Affected: Hove Park
- N BH2018/00164, 58 Staplefield Drive, Brighton- Full Planning 315 - 328**
Change of use from 3 bedroom dwelling house (C3) to 4 bedroom small house in multiple occupation (C4). (Part Retrospective)
RECOMMENDATION – GRANT
Ward Affected Moulsecoomb & Bevendean
- O BH2018/01093, 96 Auckland Drive,Brighton- Full Planning 329 - 344**
Change of use from three bedroom dwelling (C3) to four bedroom house in multiple occupation (C4).
RECOMMENDATION – GRANT
Ward Affected: Moulsecoomb & Bevendean
- P BH2018/00319,12 Twyford Road, Brighton- Full Planning 345 - 358**
Change of use from three bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4), with alterations

PLANNING COMMITTEE

to fenestration (part retrospective).

RECOMMENDATION – GRANT

Ward Affected: Holligdean & Stanmer

- 19 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

- | | | |
|-----------|--|------------------|
| 20 | INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS | 359 - 360 |
| | (copy attached). | |
| 21 | LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE | 361 - 364 |
| | (copy attached). | |
| 22 | INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES | 365 - 366 |
| | (copy attached). | |
| 23 | APPEAL DECISIONS | 367 - 440 |
| | (copy attached). | |

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

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

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

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

Electronic agendas can also be accessed through our meetings app available through www.moderngov.co.uk

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being

PLANNING COMMITTEE

filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

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

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 10 July 2018

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 6 JUNE 2018

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Hyde, Littman, Miller, Morgan, Morris and O'Quinn

Officers in attendance: Liz Hobden, Head of Planning; Nicola Hurley, Planning Manager (Applications); Jonathan Puplett, Principal Planning Officer; Stewart Glassar, Principal Planning Officer; Luke Austin, Planning Officer, David Farnham, Development and Transport Assessment Manager; Hilary Woodward, Senior Solicitor and Penny Jennings, Democratic Services Officer

PART ONE

1 PROCEDURAL BUSINESS

1a Declarations of substitutes

1.1 There were none, however apologies had been received from Councillors Bennett and Ikpın-Leissner.

1b Declarations of interests

1.2 Councillor O'Quinn referred to application A, BH2017/03566, Brighton, Hove and Sussex Sixth Form College 215 Dyke Road, Hove. Her letter of objection submitted prior to her appointment to the Committee was appended to the Committee report and Councillor O'Quinn stated that it was her intention to speak in her capacity as a neighbouring Ward Councillor after which she would withdraw from the meeting and take no part in the debate or decision making process.

1.3 Councillor Morgan also made reference to application A, BH2017/03566, Brighton, Hove and Sussex Sixth Form College 215 Dyke Road, Hove explaining that in his previous capacity as Leader of the Council he had been signatory to a letter to the Secretary of State for Environment in response to objections received from Wealden District Council expressing this council's view that their objections had taken too narrow a view on the relevant legislation. The comments made did not relate to the detail of the application, he remained of a neutral mind and would therefore remain present and take part in the discussion and decision making process.

- 1.4 Councillor Cattell, the Chair stated that she had received e mail correspondence in respect of several applications before the Committee that day but had not responded in respect of any of them and remained of a neutral mind.
- 1.5 Councillor Mac Cafferty referred to applications D & E, BH2018/00469 and BH2018/01123, Hove Central Library, 182-186 Church Road, Hove stating that he had attended a public meeting in respect of these applications on 31 May 2018 and at that meeting he had asked questions of the applicant. He had however, expressed no view in respect of either application, remained of a neutral mind and would therefore remain present and take part in the discussion and decision making process in respect of both applications.
- 1.6 Councillor Morgan also referred to applications D & E BH20018/00469 and BH2018/01123, Hove Central Library, 182-186 Church Road, Hove. Councillor Morgan explained that in his past capacity as Leader of the Council and Chair of the Economic Development and Culture Committee he had been at the forefront of a political debate on the future of the Library and had supported a move to another site and disposal of the building in that capacity. He not no predisposition however, in respect of either of the applications before Committee that day and remained of a neutral mind and intended to remain present at the meeting during the debate and decision making.

1c Exclusion of the press and public

- 1.7 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.
- 1.8 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

1d Use of mobile phones and tablets

- 1.9 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’.

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 9 May 2018 as a correct record.

3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair welcomed Councillors Morgan and O’Quinn as newly appointed members of the Committee noting that both had attended meetings of the Committee as substitute members in the past.

4 PUBLIC QUESTIONS**5 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

5.1 There were none.

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**A BH2017/03566, Brighton Hove and Sussex Sixth Form College, 205 Dyke Road, Brighton - Full Planning**

Erection of a 4no storey teaching block replacing existing temporary modular classrooms and incorporating general teaching spaces, flexible student study, learning areas, resource areas and performance spaces with associated hard and soft landscaping and relocated car parking.

Officer Introduction

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Jonathan Puplett, introduced the report and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.
- (3) It was noted that the main considerations in determining the application related to the principle of the development to include the loss of the existing open space and outdoor space and the provision of new educational facilities, the design of the proposed teaching block in respect of scale and appearance in addition to the associated hard and soft landscaping and new car parking area, whether the development would have a detrimental impact on neighbouring amenity and whether the proposal was acceptable with regard to sustainable transport issues.
- (4) The proposed development would provide much needed specialist classrooms and would enhance the existing educational facilities of the college. The proposed external performance space would also provide an additional teaching resource and an area for occasional evening and weekend events. The proposed form of development was considered to be acceptable in transport, sustainability and ecological terms and conditions and s106 requirements were recommended as set out in the report. In order to accommodate the new teaching block the existing car park would be relocated onto part of an existing playing field, which would result in loss of some circulation space and would therefore represent a negative impact. Overall however it was considered that the scheme would deliver substantial benefits and that the negative impacts identified did not warrant refusal in this case. Approval was therefore recommended subject to the conditions and s106 requirements set out. Proposed amendments to the conditions as set out in the Additional/Late Representation List were also referred to.

Public Speakers

- (5) Councillor O'Quinn spoke in her capacity as a neighbouring Ward Councillor. Councillor O'Quinn stated that whilst she had some concerns regarding the proposed scheme, that she had been approached by a number of residents living in the immediate vicinity who also had concerns. The main issues related to increased traffic flow, the four storey height of the building and its proximity to the boundary with Old Shoreham Road and the proposed outdoor performing area which could generate both additional noise and traffic flow. Councillor O'Quinn was of the view that these issues needed to be addressed by way of robust conditions being added to any permission granted. Having spoken on this matter Councillor O'Quinn withdrew from the meeting and took no part in the debate or decision making thereon.
- (6) Ms Smith spoke on behalf of the applicants in support of their application. Ms Smith explained that the proposed scheme had been designed to upgrade the existing teaching facilities available on site. Whilst the scheme would enhance and improve some of the existing teaching space it would not result in a loss of parking, nor would there be an increase in the number of students.

Questions of the Planning Officer

- (7) In answer to questions by Councillor C Theobald, the Principal Planning Officer, Jonathan Puplett, explained that no trees would be removed. Clarification was also given regarding the design and materials to be used for the roof treatment. It was confirmed that an amended condition could be added in respect of the materials to be used and location/screening of plant located at roof level.
- (8) It was explained in answer to further questions that parking currently available on site would not be displaced. Additional information had been provided by the Applicant indicating that in order to address any loss to the existing sports pitches, in addition to retention of the existing marked out sports pitches, sufficient circulation space would also be retained in line with the guidance provided by Sport England who had not raised any objection to the proposed development.

Debate and Decision Making Process

- (9) Councillor Gilbey stated that she was happy to support the scheme which would complement the existing buildings on site.
- (10) Councillors C Theobald, Hyde and Miller concurred in that view considering that the proposed colour palette had been carefully chosen and that the scheme overall was acceptable.
- (11) Councillor Cattell, the Chair, commended the scheme, in particular, the "copper" building, stating that she was happy to support the officer recommendation.
- (12) A vote was taken and the 9 Members present voted unanimously that minded to grant planning permission be granted.
- 1.1 **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 and to the Conditions

and Informatives also set out in the report and to the additional/amended conditions set out below:

Additional Condition:

- Further details of the plant enclosure;
- Car parking to be laid out first before work starts on the building.

Note: Having spoken in respect of the above application Councillor O'Quinn withdrew from the meeting and took no part in the discussion or voting thereon.

B BH2016/05312, 65 Orchard Gardens, Hove - Full Planning

Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development of offices (B1) on the ground floor and 23no one, two and three bedroom flats (C3) on the upper floors, 23 no car parking spaces (including 3 Disability Spaces), cycle storage and associated landscaping.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, explained that at their meeting held on 21 June 2017 the Committee had considered an application seeking consent for demolition of the existing buildings and erection of a five storey building with basement comprising a mixed use development of offices and 23one, two and three bedroom flats. Members approved the proposed scheme subject to completion of a s106 Legal Agreement in the terms set out in the report. Since that time the Local Planning Authority had sought to progress the Legal Agreement to completion but unfortunately in this case the applicant had not been able to complete the Legal Agreement. There had been extended periods of inactivity and no clear reasons for the lengthy delay had been provided. As the Local Planning Authority was unable to keep an application under consideration indefinitely the application had been returned back to committee.
- (2) In the absence of a Legal Agreement to secure necessary measures in regard to affordable housing, sustainable transport infrastructure, the Local Employment Scheme, education provision, the open space provision and an appropriate artistic component, the proposed development did not comply with local Planning Policies and would not mitigate the impact resulting from the development and refusal was therefore recommended.

Public Speakers

- (3) Mr Burgess spoke on behalf of the applicants and explained the reasons that delays had occurred in completing the s106 agreement, explaining that these had not occurred due to inactivity or unwillingness by the applicant. Also advising however that matters were now moving forward, could now be facilitated and that it was anticipated that the agreement could be completed in the near future.

Questions of Officers

- (4) Councillor Mac Cafferty sought clarification regarding the protocol for consideration of this matter as he had not encountered this previously. Clarification was sought

regarding what the outcome/options should the motion not be carried and whether it would be appropriate for the matter to be deferred for determination by officers. Councillor C Theobald also sought clarification in respect of this matter. The Legal Adviser to the Committee, Hilary Woodward, confirmed that the Committee could refuse or defer consideration and to allow a specified period for the completion of the outstanding s106 agreement following which the matter could either be brought back before the committee or alternatively officers could be given the discretion to refuse the application.

Debate and Decision Making Process

- (5) In answer to questions, officers confirmed that notwithstanding the further matters to be resolved in order to complete the s106 that to allow until 7 August to allow for completion would be a reasonable timeframe.
 - (6) A vote was taken and Members voted on a vote of 8 with 2 abstentions against the Officer recommendation that planning permission be refused. Councillor Hyde proposed an alternative recommendation that a decision on the application be deferred in order to enable the s106 agreement to be completed such that if not completed by 7 August 2018 the application be refused. Councillor Miller seconded that.
 - (7) A further vote was taken in respect of the alternative recommendation proposed by Councillor Hyde and seconded by Councillor Miller. The 10 Members who were present voted unanimously that a decision on the application be deferred in order to allow the S106 agreement to be concluded. If completed by 7 August 2018 officers could issue planning consent under their delegated powers. In the event that the s106 had not been concluded by that date authority was given to the Head of Planning to refuse the application.
- 1.2 **RESOLVED** – That the above application be deferred in order enable the outstanding s106 Agreement to be completed in the terms set out above.

C BH2015/04536, Preston Park Hotel, 216 Preston Road, Brighton - Full Planning

Change of use of hotel (C1) to residential (C3) comprising conversion of main hotel and demolition and redevelopment of north wing, to provide 13no self-contained open market flats and 9no affordable flats, alterations to front façade, retention of 27 car parking spaces and provision of new cycle and refuse facilities.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, explained that at their meeting held on 12 October 2016 the Committee had considered an application seeking consent for change of use of a hotel to self-contained residential units including redevelopment of the northern wing of the hotel. The development would have provided 13 market housing flats and 9 affordable flats Members approved the proposed scheme subject to completion of a s106 Legal Agreement in the terms set out in the report. Since that time the Local Planning Authority had sought to progress the Legal Agreement forward to completion but unfortunately in this case the applicant had not been able to complete the Legal Agreement. There had been extended periods of inactivity and no

clear reasons for the lengthy delay incurred had been provided. As the Local Planning Authority was unable to keep an application under consideration indefinitely the application had been returned back to committee.

- (2) In the absence of a Legal Agreement to secure necessary measures in regard to affordable housing, sustainable transport infrastructure, the Local Employment Scheme, education provision, the open space provision and an appropriate artistic component, the proposed development did not comply with local planning policies and would not mitigate from the impact resulting from the development and refusal was therefore recommended. An update was given in respect of the existing position and it was noted that this application was closer to completion than the preceding one referred to above. Confirmation had been received that morning from those acting on behalf of the applicant that documents relating to the title for the site had been provided and the s106 was now lodged with the appropriate parties and was awaiting signature and return. On that basis Members might be minded to vote directly to defer further consideration of the application pending completion of the s106.

Public Speakers

- (3) Mr Bareham spoke on behalf of the applicants confirming that processing of the s106 was now far advanced following an unavoidable delay by the Land Registry. Completion was now imminent.

Debate and Decision Making Process

- (4) A vote was taken and the 10 Members who were present voted unanimously that consideration of the application be deferred in order to allow the S106 agreement to be concluded. If completed by 7 August 2018 officers could issue planning consent under their delegated powers. In the event that the s106 had not been concluded by that date authority was granted to the Head of Planning to refuse the application.

- 1.3 **RESOLVED** – That the above application be deferred in order enable the outstanding s106 Agreement to be completed in the terms set out above.

D BH2018/00469, Hove Central Library, 182-186 Church Road, Hove - Listed Building Consent

Internal alterations to lower ground floor and external alterations to rear ground floor including construction of new wall with balustrade, landscaping and associated works to facilitate the conversion to children's day nursery.

Officer Presentation

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Stewart Glasser, introduced the application and gave a presentation by reference to site plans, elevational drawings, photographs and floor plans. It was explained that the main considerations in determining this application related to whether the proposed alterations would have a detrimental impact on the

character, architectural setting and significance of the grade II listed building. The proposal would involve external alterations to create an outdoor play area including the erection of a new wall at the edge of the footpath with a metal balustrade which would form a decked play area at the upper level. The existing metal fire escape would be screened with a 1.5m timber fence/gate, the installation of a bike rack and buggy store was also proposed. The proposed surfacing and other materials were considered acceptable and there was therefore no objection to the proposals for the rear outside space. It was noted that both the Listed Building and Planning Applications would be considered together but that they would be voted on separately.

- (3) It was noted that internally the proposed partitioning followed the existing conventions, retaining the cell arrangement outside and that the only intrusion to the central space would be the proposed steps and handrail which were required for building regulation purposes to provide appropriate access to the toilets. The necessary works to the screen to the WCs would retain the existing framework and only sought to add reversible cladding on the WC side, which was considered acceptable. The only new floor coverings identified would be the replacement of the lino in the new WC facilities which was also considered acceptable. The Heritage Team had requested additional information regarding details and reversibility of the new internal stairs, proposed drainage and ventilation of the new facilities and details of the existing landscaping and materials. This information had been provided by the applicant subsequently and was also considered acceptable. Overall therefore, it was considered that the proposed works would not harm the historic character or appearance of the grade II listed building or wider conservation area and approval was recommended subject to the Conditions and Informatives set out in the report.

Public Speakers

- (4) Ms V Paynter spoke on behalf of local residents setting out their concerns and objections in relation to the proposed scheme. Ms Paynter stated that noise had been considered when applications in the vicinity had been considered for refusal, yet the significant noise issues which could arise from this application did not, contrary to normal practice appear to have been considered and no noise mitigation measures or sound readings had been taken in respect of this application. No information had been given regarding potential numbers of children expected to use the basement or yard. Both applications referred to use of this area as play space notwithstanding that the applicant's had stated at the meeting the previous week that this area would not be used as play space. This required clarification. It had been stated at the same meeting that 38 could be accommodated in the basement area and that it was planned to have 16-32 children and to encourage parents and grandparents to attend which could result in use by far in excess of that number. It appeared clear that in addition to use of the basement and yard that in practice, the applicants intended to use the building at will. It was considered that these factors should have been assessed before recommending approval of this application. The application also gave rise to safety implications as there were concerns regarding who would be liable if an emergency occurred and nursery children were elsewhere in the Library rather than in the garden or basement.
- (5) The Library was in regular use by those studying for exams, or to use its quiet facilities to research when they did not have quiet space or were unable to afford wifi at home and relied on use of the computer room and downstairs bank of machines. It was

considered that Hove Library was being unfairly disadvantaged as the PFI project under which the Central Jubilee Library had been built in Brighton was taking 2.5m of the overall budget and the conversion of the library to a mainly commercial site in order to reduce the overall financial burden was unfair to Hove Library users. There were a number of cafes and nursery schools in the immediate area, there were a number of application deficiencies and objectors considered that in the absence of scrutiny by Policy Resources & Growth Committee of the business plan that the application should be refused or deferred.

- (6) Neither the Listed Building nor planning applications gave information regarding the number of children expected to use the basement or yard. Both applications referred to use of this area as play space notwithstanding that the applicant had stated at the meeting the previous week that this area would not be used as play space, this required clarification. It had been stated at the same meeting that 38 could be accommodated in the basement area and that it was planned to have 16-32 children there at any given time who would also have access to the entire building which accompanying adults, the noise and disturbance would be detrimental to other users who wished to use the library as a quiet study space.
- (7) In answer to questions regarding conditions which could be attached to any permission in respect of hours of operation etc., the Legal Adviser to the Committee, Hilary Woodward, confirmed that this would not be possible as planning permission was not required for change of the use as this fell within the same use class as the current use, as such additional conditions could not be applied. Consideration needed to be given to the works applied for but not to the use itself.

Questions for Officers

- (8) Councillor C Theobald sought clarification regarding access arrangements to the building and it was confirmed that there would be separate access arrangements to the side of the building and from the basement area into the garden area. Arrangements for use of the lift within the building itself would need to be agreed with the library. In response to further questions it was confirmed that soundproofing measures could not be considered as part of this application.
- (9) Councillor Miller whilst understanding that noise control measures fell outside this application he was of the view that indications regarding the controls to be put into place would have been useful as would more precise details regarding the number of children to be accommodated. It was explained that permission was required only in respect of the physical alterations to the building, not in relation to the proposed use. Councillor Gilbey also sought confirmation in respect of this matter.
- (10) Councillor Mac Cafferty stated that he had attended the recent public consultation meeting and had asked questions which in his view had not been satisfactorily answered regarding the disproportionate funding arrangements between Brighton Central Library and Hove. He was also of the view that policies HE1, and HE3, the latter of which related to the need to respect the setting of a Listed Building were pertinent and needed to be considered. In his view it was clear that the policy related to physical alterations and or changes of use to the fabric of a Listed Building. The Head

of Planning Liz Hobden, stated that the Heritage had researched this matter thoroughly and had advised this was not relevant in relation to consideration of this application.

- (11) Councillor Littman asked whether conditions could be attached in respect of use of the external staircase, but the Legal Adviser to the Committee, Hilary Woodward advised that this would not be appropriate as it could not be considered reasonable.
- (12) Councillor Morris referred to works required to the pipework seeking confirmation as to whether conditions could be added relating to drainage/ventilation and it was confirmed that they could not and that details had been provided by the applicant and that it was considered that appropriate arrangements were in place.
- (13) Councillor C Theobald enquired whether a proportion of the income arising from the nursery use could be used towards costs of running the library. It was confirmed that was not germane to consideration of either of the applications before Committee.

Debate and Decision Making Process

- (14) Councillor Mac Cafferty stated that he did not consider that sufficient account had been taken of the heritage assessments which needed to be made and considered, or where/how income generated would be spent. Proper consideration needed to be given to how the library could be conserved appropriately which included consideration of the radial shelving. He did not consider that had been done and did not therefore support the proposals.
- (15) Councillor Littman concurred in that view, he also had concerns in respect of potential noise nuisance which could occur and for that reason agreed that he was unable to support either application.
- (16) Councillors C Theobald and Hyde considered it regrettable that the fabric of the library was very dilapidated in some areas, on balance however, they supported the officer recommendation as did Councillor Miller who considered that Ofsted requirements would regulate the nursery use and that control use of the use of the library by young children and those supporting them should be encouraged.
- (17) Councillor O'Quinn expressed her support for the proposal as did Councillor Gilbey, who did not consider that the proposed use would generate unacceptable noise levels, or noise which would extend beyond very early evening. As use of the outside garden area would also be controlled (only a specified number of children using it at any one time), she did not consider that would result in potential noise nuisance either.
- (18) Councillor Morgan supported the application and was of the view that it was positive to encourage children to use the library from a very young age, this use could help to encourage that. Councillor Morris also supported the application which in his view complimented the community uses favoured by Carnegie himself.
- (19) A vote was taken and the 10 Members who were present at the meeting voted on a vote of 8 to 2 that Listed Building Consent be granted.

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

E BH2018/01123, Hove Central Library, 182-186 Church Road, Hove - Full Planning

Alterations to rear garden area incorporating new steps, handrail and landing and addition of insulation and plasterboard to existing screen of w.c. window for use by children's day nursery.

Officer Presentation

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Stewart Glassar, gave a presentation by reference to plans, elevational drawings, photographs and floor plans. It was explained that the main considerations in determining this application related to whether the proposed alterations would have a detrimental impact on the amenity, character, architectural setting and significance of the grade II listed building and the wider Old Hove Conservation Area. The application proposed alterations to the rear garden area incorporating new steps, handrail and landing. It was noted that both the Listed Building and Planning Application had been presented on together but were voted on separately.
- (3) The lower ground floor of the library currently served as ancillary office space, staff and storage space. The proposed alterations were proposed in order to facilitate use of the lower ground floor and rear garden area as a children's day nursery. The external space would be used as a learning garden where small groups of children (no more than 4-8 at any one time), would engage in focussed activities. The garden was unlikely to be used before 9/9.30am or after 5pm. Although a number of objections had been received relating to the proposed nursery use the library and the nursery were in the same use class (D1), as such there was no material change to the use of the building and only physical works to the building should be considered in determining the application as the nursery use in itself did not require planning permission in this instance. Overall, it was considered that the proposed alterations were acceptable and would not harm the historic character or appearance of the grade II listed building or wider conservation area and were in accordance with the relevant policies contained in the "Brighton and Hove City Plan Part One"; approval was therefore recommended subject to the Conditions and Informatives set out in the report.

Public Speakers

- (4) Ms V Paynter had spoken on behalf of those who had concerns and objections in respect of the proposed scheme, setting out the nature of those objections (These are referred to at item D above).

Debate and Decision Making Process

(5) A vote was taken and the 10 Members who were present voted on a vote of 8 to 2 that planning permission be granted.

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

F BH2018/00854, Land to Rear of 62-64 Preston Road- Full Planning

Excavation and erection of three storey building comprising 3no. residential units (C3) with associated alterations.

Officer Presentation

(1) The Principal Planning Officer, Stewart Glassar, introduced the proposed scheme and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. It was noted that the application site was located in the yard to the rear of 62-64 Preston Road which was located on the corner with Ditchling Rise and related to a three storey building with a basement which had a shop within the basement and ground floor with residential accommodation on the upper floors and was similar to the adjoining building at 60 Preston Road.

(2) The main considerations in determining this application related to the effect on the street scene as well as to 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 buildings upper levels. Three similar schemes had been considered by the Committee 1 March 2018, November 2017 and April 2017. Whilst the principle of development was not rejected when these applications had been determined, there had been concerns regarding the appearance of the development and the impact on amenity of existing and future residents.

(3) The scheme had undergone a number of incremental revisions throughout the previous applications, which whilst they had been considered improvements to the overall design, had still failed to address the underlying concerns. The current amendment involved reduction in the height of the extension by the removal of the "pod" level and was considered to represent an improvement as it removed some of the bulk and mass as well as the inappropriate roof form and had improved the relationship of the extension to the main property. Whilst the extension was still of a substantial scale, the Planning Committee had previously expressed the view that removal of the roof level would address their concerns. It was noted that as the objector registered to address the meeting had advised that they were now longer able to do so, no public speaking would now be permitted. Objectors had indicated, however, that they remained of the view that they considered that local residents concerns had not been taken into account. The residents facing the development on Ditchling Rise would be overshadowed, would lose natural light, would be overlooked and would lose their privacy due to the height and width of the proposed build despite the roof level being reduced.

(4) On balance, given the revisions made and taking account of the advice provided by Members previously, it was not considered that the impact of the scheme would be

sufficient to warrant refusal in this instance and approval was therefore recommended subject to the Conditions and Informatives set out in the report.

Debate and Decision Making Process

- (4) The Chair noted that the applicant had sought to address the concerns raised by Members previously and to the proposed scheme in order to take them on board.
 - (5) Councillor C Theobald stated that she considered the scheme as amended was acceptable and that she was now happy to support it. Councillors Littman and Morris concurred in that view considering that the concerns raised previously had now been addressed.
 - (6) Councillor Miller stated that he had considered the previous schemes acceptable and was therefore happy to support this amended application.
 - (7) A vote was taken and the 10 Members of the Committee who were present voted unanimously that planning permission be granted.
- 1.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

G BH2017/03651, Brighton Square and Units 12, 13, 14, 15 and 16, Brighton- Full Planning

Erection of pavilion structure to Brighton Square for the creation of additional restaurant space (A3). Alterations to dolphin fountain including new plinth and increased height of fountain. Installation of new shopfronts to 12, 13, 14, 15 and 16 Brighton Square.

Officer Presentation

- (1) The Planning Officer, Luke Austin, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. It was noted that the site formed the north/north-eastern frontage of Brighton Square in addition to the central section of the Square within the Old Town Conservation Area and part of the South Lanes. The site was formed of a ground floor parade of shops with two storeys of residential accommodation above in addition to the central square area which included planters and a water fountain feature.
- (2) The main considerations in determining the application related to the principle of the development, the proposed design, the impact of the proposed use on the amenity of neighbouring occupiers and consideration of the wider conservation area. The proposal sought consent for the erection of an external seating area to be used in conjunction with the adjacent restaurant within units 12-16 Brighton Square. External alterations were also proposed to the shopfront of the restaurant. The site fell within the area identified within city Plan Policy SA2 as Central Brighton and was located outside of the prime retail frontage. The site was also designated open space within the built up area, which was protected under City Plan Policy CP16.

- (3) The site formed a civic space and was located within a built up area within the Regency Ward. The proposed development would facilitate additional seating which would retain an element of the existing usage of the site as an informal seating area. It would however, result in a loss of a large proportion of the open space within the square by privatising and enclosing the central section. The square itself was unique in its character and created a welcome open and light environment in contrast to the tight high density of the South Lanes and surrounding area. The proposed seating area would comprise a laminated timber framed pod glazed in a mixture of polycarbonate panels in order to allow access. The roof would be finished in sliding polycarbonate panels in addition to pre-tensioned fabric section. The structure would be set centrally in the square and would create a new fountain base integrating the sculpture from the existing fountain. Internally, the structure would include a number of seating areas with tables centralised around the fountain.
- (4) In isolation, the proposal represented a high standard of design which would be welcome in other more open areas of the city. The structure would, however, cover a substantial proportion of the square leaving narrow sections on either side for pedestrian traffic and public usage. The structure would enclose and restrict the existing open space which was one of the key definitive characteristics of the site. The proposed structure would obscure the site and views across it and would therefore impede pedestrian orientation and legibility. Exits from the square would be obscured and desire lines would be blocked undermining the positive intention of the development to attract pedestrian footfall.
- (5) It was considered that any development within the square should take account of the scale and proportions of the square itself and should leave the majority of the area open. This proposed development would cover the entire central section within the square, leaving only the narrow areas to the perimeter to allow for pedestrian movement around and through the site. The scale of the development was considered excessive in relation to the modest scale of the square. There was no objection to the removal of the existing shop fronts and the new shop fronts were considered to be acceptable provided that the existing flint-faced pilasters were retained as existing and were not over-clad; that could be controlled by condition. Given the central location and existence of other commercial units within the square the level of harm was considered acceptable as neighbouring occupiers could not expect the same levels of noise and activity that would be experienced within a predominantly residential area.
- (6) It was acknowledged that there would be benefits from the proposal including improving the economic vibrancy by encouraging activity and customers into the square year round which was likely to benefit the surrounding commercial units and the character of the area. However, overall it was not considered that the benefits identified were sufficient to outweigh the fundamental concerns that existed relating to the scale of the proposed development and the impact the structure would have on the character of the open space. Refusal was therefore recommended for the reasons set out in the report.

Public Speakers

- (7) Councillor Druitt spoke in his capacity as a Local Ward Councillor in support of the proposed scheme. He stated that having visited the site and having gone through the plans with the applicant he had canvassed local traders for feedback including Brighton Lanes Traders. He considered that the plans would improve the area, making Brighton Square considerably more attractive and appealing to visitors. His one concern was that access through the square be maintained and disruption to businesses minimised during the course of any works carried out.
- (8) Mr Bareham and Mr Gripton spoke on behalf of the applicants in support of their application. They were aware of the full-scale re-development of the Lanes itself and in particular of the nearby Hannington Lane. Currently, this square was unappealing with a number of closed shops. The proposed scheme would help to regenerate the area and to make it a more attractive destination or cut through, which would complement the surrounding Lanes. The applicants would be happy to allow access through the square to continue notwithstanding that it was a private space. It was envisaged that it would provide a year round usable space which was not weather dependent.
- (9) Councillor Morgan sought clarification from the applicants regarding the materials to be used for creation of the proposed pods and arrangements which would be put into place. It was explained that a combination blue lamp timber, polycarbonates and clear vinyl would be used. These materials had been used for a similar development near to Tower Bridge in London and were both durable and easy to maintain, being able to withstand gale force winds.
- (10) Councillor Miller referred to the adjoining restaurant space which would be associated with the proposed use, seeking confirmation as to whether that use was contingent on this application being successful and it was confirmed that was the case. It was confirmed in answer to further questions that sliding doors would be fitted to the pods which would enable them to be fully enclosed in the event of inclement weather. Councillor Miller also sought confirmation regarding the width of the remaining walkway which would be available to pedestrians walking across the square and regarding the type of panelling proposed as the visuals provided seemed to indicate a heavy design. It was explained that the materials now proposed had been pared back and represented a simpler lighter design.
- (11) Councillor C Theobald enquired whether heaters would be used in cold weather and regarding the planting proposed. It was explained that artificial planting in pots was proposed and that arrangements for heating the space had yet to be determined.
- (12) Councillor Hyde enquired regarding the number of covers proposed and it was confirmed that would be 62 plus the additional areas provided by the pods. Councillor Hyde also asked for confirmation regarding the height of the pods and the distance between them at their highest point and the adjacent first floor balconies.
- (13) Councillor Mac Cafferty enquired regarding the applicants plans to encourage use of the space as a destination rather than as a cut-through. Councillor O'Quinn raised the same point stating that presently that part of the Lane's was well provided with cafes/bars but that there were a number of empty shops which did not of itself encourage use other than for those eating/drinking. It was explained that it was anticipated that as a result of the greater connectivity which would result from

completion of Hannington Lane that this would attract greater use as would provision of the all-weather pods which would provide protection in bad weather. The width of walkway provided would be wider than in some parts of the Lanes.

- (14) Councillor Miller referred to comments received from the Police and it was confirmed that the structure was considered to be suitably robust not to render it liable to vandalism or use by rough sleepers. It was intended that the pods would have a low level of internal illumination and would be locked outside of opening hours.

Questions for Officers

- (15) Councillor Morris asked whether the existing square was a privately owned open space and it was confirmed that it was. Also, in relation to the external awning which it was clarified would now be a lighter but of suitably strong construction. The flint faced pilasters in the square had been constructed in the 1960's and were not a heritage feature.
- (16) Councillor Miller referred to the amendments referred to by the applicant's representatives. The Chair, Councillor Cattell explained that these had been forwarded to Committee members a few days previously and did not represent formal amendments to the scheme on which officers had, had the opportunity to comment.

Debate and Decision Making Process

- (17) In answer to further questions by Councillors Gilbey and Miller regarding the status of the square it was confirmed that although the public were allowed access across the square it was not public highway, nor was it adopted. As it stood public access was given by the landowner. Councillor Morris referred to the Aquarium Terraces as an instance where after a suitable period of time it had been possible for a space to become adopted. The Legal Adviser to the Committee, Hilary Woodward, explained that that whilst an application could be made regarding any highway status of the square that had not been done to date and that the current position was as stated.
- (18) Councillor Gilbey stated that she considered the scheme as presented was confusing. Notwithstanding that there would be continued access to the square as much of it would be enclosed and would appear to subsidiary to the restaurant she considered that it could deter that use.
- (19) Councillor C Theobald stated that in her view the square was currently something of a white elephant, very few people went there and she considered that the proposed scheme would be an attraction and would complement the nearby Hannington Lane development, therefore she supported the scheme.
- (20) Councillor Miller whilst noting the vision and hard work which had gone into this scheme could not support it. He considered that it would enclose the existing square to too great an extent and would seriously damage its permeability. The dolphin sculpture would be lost as the focus of the square and the structures whilst imaginative would be too cumbersome. The restaurant use would take up one entire side of the square added to which the pods would also provide further covers. He considered that the number of covers proposed was too great.

- (21) Councillor Hyde concurred in that view stating that she also considering that the hours of operation proposed 8.00am–11.00pm could be problematic in licensing terms although that fell under a different regulatory regime within the council. Councillor Hyde was agreement that the scheme was imaginative and had no doubt that it worked well in London, she did not however consider that it was appropriate in this location. It should also be borne in mind that there were also a number of residents living above the square at first floor level. The Chair, Councillor Cattell, agreed stating that the proposed scheme and potential number of covers could impact on residents' amenity and that should also be considered.
- (22) Councillor Morgan stated that he was in agreement that this area of the Lanes had declined over recent years and that it was not been as well used as it might have been. The proposed scheme would fit well within the context of the Hannington Lane element of the Lanes redevelopment and could encourage more shops and greater footfall than currently and could help to re-invigorate this square which was not a public space and which was currently dull and tired. The remaining pedestrian access was of a similar width to the rest of the Lanes and he considered that was acceptable. On balance he considered that the scheme was acceptable and would be voting that planning permission be granted.
- (23) Councillor Morris stated that when this square had first opened it had supported a variety of retail uses, including antique shops and jewellers, that was no longer the case. The position in relation to use of the space appeared to be potentially complicated and in his view it would be less welcoming as a space for use by the public, notwithstanding that they would still have access; he would therefore be voting in support of the officer recommendation that planning permission be refused.
- (24) Councillor O'Quinn stated that she shared Councillor Miller's concerns regarding the large number of covers proposed in conjunction with the restaurant which would be accommodated along one side of the square. The pods would dominate the square and there would not be a clear unimpeded pedestrian access across the site and they would take away from the existing square. The dolphin fountain and statute which currently formed the focal point of the square would be lost. Whilst a more modest scheme with different access arrangements could be acceptable the one before Committee was not.
- (25) Councillor MacCafferty was of the view that whilst potentially an imaginative scheme he did not feel it was appropriate in this location, he would therefore be voting in support of the officer recommendation.
- (26) Councillor Littman concurred, the space was a private square to which the public had access, however the proposed scheme was of an inappropriate size within the square and would significantly reduce it as an open space. In purely planning terms he considered that the scheme was unacceptable.
- (27) The Chair, Councillor Cattell, stated that she concurred with the concerns voiced by other members considering that the role of the square was important as the narrower surrounding Lanes opened into it and created space, the scheme put forward would be

detrimental to that rather than being place making, she supported the officer recommendation.

- (28) A vote was taken and the 10 Members present at the meeting voted on a vote of 7 to 3 that planning permission be refused.

6.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons set out in the report.

H **BH2018/00095, 166 Heath Hill Avenue, Brighton - Full Planning**

Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4) incorporating conversion of garage into habitable space,

Officer Presentation

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. It was noted that the application related to a two storey terraced property situated in the Moulsecoomb and Bevendean Ward. The application proposed change of use from a three bedroom dwelling house (use class C3) to six bedroom small House in Multiple Occupation (HMO) (use class 4) including conversion of the existing side garage into habitable space with alterations. The ward within which the application site was situated had an Article 4 Direction in place which limited permitted development rights for the change of use from a single dwelling house (C3) to a small HMO (C4) and planning permission was therefore required for the proposed form of development. The proposals met the required standards, with two bath/shower rooms and a good sized communal area and would require minimal external works.
- (2) The main considerations in determining this application related 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. Overall the property met the necessary standards required to demonstrate an adequate standard of accommodation for six occupants in accordance with Policy QD27 of the Brighton and Hove Local Plan. A condition was recommended to restrict the number of occupants of the property to a maximum of 6. Whilst it was acknowledged that the change of use of the property to a six bedroom HMO would inevitably increase comings and goings from the plot, in this instance it was considered that the increased occupation to six individuals was unlikely to significantly increase noise and other nuisance to the extent that it would warrant refusal of the application. There were no other properties in use as HMO within a 50m radius therefore a mixed and balanced community would be retained and approval was recommended.

Questions of Officers

- (3) Councillor Miller asked to see views of the ground floor communal area. Councillor Morris asked for confirmation whether the applicants had applied for an HMO Licence.

Whilst, not relevant to this application the base line map was shown indicating that there were currently no HMO's in the vicinity.

(4) A vote was taken and on a vote of 9 with 1 abstention, the 10 members who present at the meeting voted that planning permission be granted.

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

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

7.1 There were none.

8 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

9 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

10 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

11 APPEAL DECISIONS

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

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of

Subject:	Baptist Tabernacle, Montpelier Place, Brighton Request to vary the terms of the Section 106 agreement relating to planning permission BH2017/01065 (Demolition of existing church and erection of 24no residential units (C3), comprising terrace of 5no four storey houses, five storey block of 14no flats and three storey block of 5no flats. Creation of non-residential unit (D1) to ground floor of five storey building and associated car parking and landscaping).
Date of Meeting:	18 July 2018
Report of:	Executive Director Economy, Environment and Culture
Contact Officer:	Name: Sonia Gillam Tel: 01273 292265 E-mail: sonia.gillam@brighton-hove.gov.uk
Wards Affected:	Regency

1. PURPOSE OF THE REPORT

- 1.1 To consider a request to vary the Heads of Terms of a Section 106 Agreement signed in connection with planning application BH2017/01065, in order to amend the tenure of the affordable housing to be secured on site.

2. RECOMMENDATION

- 2.1 That the proposed variation to the Head of Term be agreed so that the affordable housing provision to be secured on site with the tenure amended to 1 x Affordable Rent (wheelchair) unit (15) and 4 x Shared Ownership units (16, 17, 18 and 19).

3. BACKGROUND INFORMATION

- 3.1 Members were Minded to Grant full planning permission at Planning Committee on 11 October 2017 for the following planning application:

BH2017/01065 - Demolition of existing church and erection of 24no residential units (C3), comprising terrace of 5no four storey houses, five storey block of 14no flats and three storey block of 5no flats. Creation of non-residential unit (D1) to ground floor of five storey building and associated car parking and landscaping.

- 3.2 The granting of permission was subject to the completion of a S106 agreement containing the following Head of Term (amongst others) as set out in the original Committee report:

- 21% affordable housing - 3 affordable rent units (Units 15, 16, and 19), 2 shared ownership units (17 and 18). 1 no. unit to be wheelchair accessible (Unit 15).

- 3.3 Planning Permission was granted on 12 December 2017 following completion of the s106 agreement.

4. PROPOSAL

- 4.1 The developer has written to the Council to request that, following negotiation with a Registered Provider (RP), the affordable housing is secured on site with the tenure adjusted to 1x Affordable Rent (wheelchair) unit and 4 x Shared Ownership, the same five units as the original application.

<i>Unit ref</i>		<i>Unit Size</i>	<i>Tenure</i>
Unit 15	Ground Floor	1 b 2 p Wheelchair	Affordable Rent
Unit 16	Ground Floor	1 b 2 p	Shared Ownership sale
Unit 17	First Floor	1 b 2 p	Shared Ownership sale
Unit 18	First Floor	1 b 2 p	Shared Ownership sale
Unit 19	Second Floor	2 b 4 p	Shared Ownership sale

5. COMMENT

- 5.1 City Plan Part One Policy CP20 allows the affordable housing target of 40% to be applied flexibly particularly where viability constraints threaten the delivery of the development and the need to achieve a successful housing development. Given the advice of the District Valuer Service on the viability of the scheme when the planning application was determined, it is considered that 5 affordable units is the maximum viable level of affordable housing that can be achieved on this site in compliance with CP20.
- 5.2 The Council's Housing Strategy Team have confirmed that recent funding and political uncertainties have created a more cautious climate in the industry and the Registered Providers are currently reluctant to purchase smaller numbers of units due to the risks involved.
- 5.3 Officers requested that the applicant liaise with the Council's panel of Registered Providers for affordable housing to confirm their willingness and ability to buy the proposed units.
- 5.4 The Council's Housing Strategy Team has independently confirmed that one of the RP partners has made an offer to the developer based on 4 x shared ownership and 1 x affordable rent (wheelchair), which the team would like to accept.
- 5.5 Given that an RP has made an offer, the Local Planning Authority preference is to accept this adjusted on-site provision rather than a

commuted sum. Financial contributions in lieu are only considered where options for on-site provision have been exhausted.

- 5.6 Therefore, the Local Planning Authority, in liaison with the Housing Strategy Team, is satisfied that the affordable housing provision secured on site with the tenure adjusted as proposed in the S106 Deed of Variation is an acceptable alternative to the scheme previously permitted by Planning Committee and can be considered to comply with the development plan.

Background Documents:

Planning Application BH2017/01065

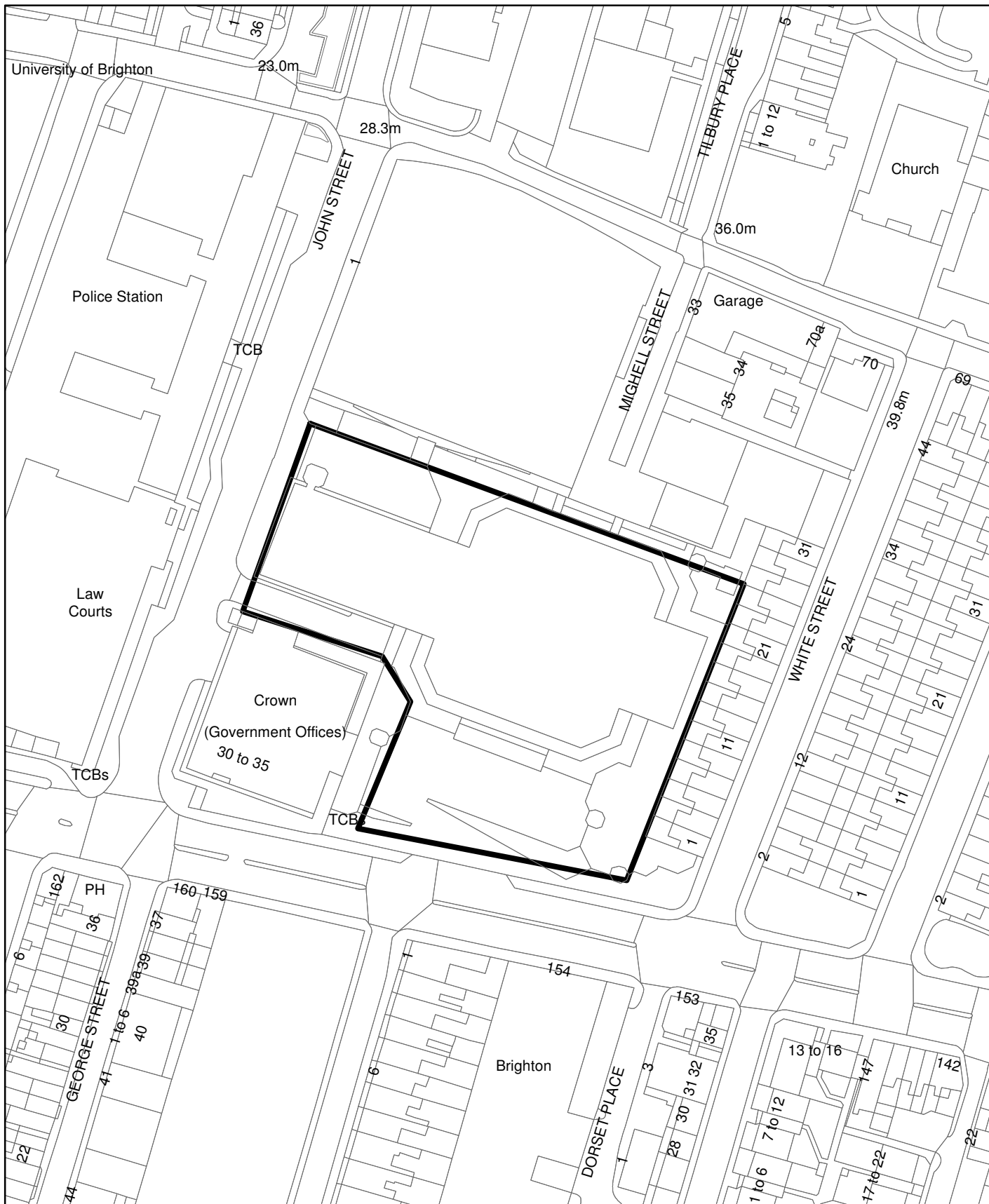
ITEM A

**Former Amex House, Edward Street,
Brighton**

BH2018/00340

DATE OF COMMITTEE: 18th July 2018

BH2018/00340 Former Amex House Edward Street Brighton



Scale: 1:1,250

<u>No:</u>	BH2018/00340	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Amex House Edward Street Brighton		
<u>Proposal:</u>	Erection of a mixed use development to provide 168no residential dwellings (C3), 16,684sqm (GEA) of commercial floorspace (B1), 1,840 sqm (GEA) of ancillary plant/storage and 1,080 sqm (GEA) flexible floorspace comprising commercial and/or retail and/or residential communal space and/or non-residential institution (B1, A1, A3, C3, and D1) across lower ground and 4 and 8 storeys above ground, with associated parking, hard and soft landscaping and access.		
<u>Officer:</u>	Mick Anson, tel: 292354	<u>Valid Date:</u>	07.02.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09.05.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	CBRE Ltd Henrietta House Henrietta Place London W1G 0NB		
<u>Applicant:</u>	Edward Street Quarter Ltd C/o CBRE Ltd Henrietta House Henrietta Place London W1G 0NB		

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 Planning Obligation and the conditions and informatives as set out hereunder **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 7th November 2017, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report.

1.2 S106 Heads of Terms

Affordable Housing:

20% (33 units) at tenure split of 55% social/affordable rent and 45% Intermediate (shared ownership). Affordable housing to be ready for occupation prior to 50% occupation of private residential accommodation.

Sustainable Transport contribution of £176,426 to go towards:

- Provision of an uncontrolled informal pedestrian crossing on Edward Street
- Real-Time Public Transport Information Display to east and westbound stops close to site
- Highway Improvements to improve cycle access between the site and the seafront and local cycling infrastructure
- Highway Improvements for traffic calming and pedestrian improvements on one or more of the following: Carlton Hill, Kingswood Street, John Street and White Street.

- Improvements to local pedestrian infrastructure including entrance to Dorset Gardens Peace Park
- Valley Gardens Phase 2 and/or 3

Walkways agreement as section 35 of the Highways Act 1980 to provide access for the public to the extension to Mighell Street between Edward Street and Mighell Street as well as the 'Games garden' area linking Edward Street with John Street.

Framework Travel Plan - To cover the entire development site with specific travel plans for each land use. Residential Travel Information Packs for each first residential unit.

1.3 S278 Agreement - To be submitted and agreed with the Highway Authority prior to the commencement of the highway works to include:

- Repaving on Edward Street and John Street;
- Relocation of Bike Share docks from Edward Street layby and expansion to 22 spaces.
- Relocation of public cycle parking from Edward Street layby.
- Reconfiguration of existing vehicular access to the site on John Street
- Planting of an equivalent number of trees within the adopted highway on John St (or any other suitable street in the vicinity of the development) in the event that it is not possible to retain existing or provide those trees shown on the approved plans to the John Street or Edward Street frontage of the development, either within the development threshold as shown or within the neighbouring adopted footway.

Local Employment Scheme - Contribution of £187,389 towards the city-wide coordination of training and employment schemes to support local people to employment within the construction industry.

Employment and Training Strategy - Minimum of 20% local employment for the construction phase.

Education Contribution of £88,321 towards Secondary schools to improve facilities and/or expanding capacity at the following schools:

- Dorothy Stringer and/or Varndean.

Open Space and Recreation Contribution of £314,091 - To go primarily towards Dorset Gardens Peace Park then Queens Park, Turner Park or Valley Gardens.

Public Art - Contribution of £175,500 to go towards commissioned art on site or within the immediate vicinity of the site.

Construction Environmental Management Plan (CEMP) - To be submitted and agreed prior to the commencement of works on site to include site waste management.

Review Mechanism of Viability - To be undertaken by the developer:

Following review, any uplift to be spent on further contribution towards affordable housing on or off site up to a maximum of 40%

Phasing plan.

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
Floor plans and elevations proposed	1016-PL-A-GA 00	PL2	1 May 2018
Floor plans and elevations proposed	1016-PL-A-GA 01	PL2	1 May 2018
Floor Plans Proposed	1016-PL-A-GA 02	PL2	1 May 2018
Floor Plans Proposed	1016-PL-A-GA 03	PL2	1 May 2018
Floor Plans Proposed	1016-PL-A-GA 04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-A-GA B1	PL2	1 May 2018
Floor Plans Proposed	1016-PL-A-GA LG	PL2	1 May 2018
Floor Plans Proposed	1016-PL-A-GA RF	PL2	1 May 2018
Elevations Proposed	1016-PL-A-GE 01	PL2	1 May 2018
Elevations Proposed	1016-PL-A-GE 02	PL2	1 May 2018
Elevations Proposed	1016-PL-A-GE 03	PL2	1 May 2018
Elevations Proposed	1016-PL-A-GE 04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-B-GA 00	PL2	1 May 2018
Elevations Proposed	1016-PL-B-GE 01	PL2	1 May 2018
Elevations Proposed	1016-PL-B-GE 02	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA 00	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA 01	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA 02	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA 03	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA 04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA 05	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA 06	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA B1	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA LG	PL2	1 May 2018
Floor Plans Proposed	1016-PL-C-GA	PL2	1 May 2018

	RF		
Elevations Proposed	1016-PL-C-GE 01	PL2	1 May 2018
Elevations Proposed	1016-PL-C-GE 02	PL2	1 May 2018
Elevations Proposed	1016-PL-C-GE 03	PL2	1 May 2018
Elevations Proposed	1016-PL-C-GE 04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- 00	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- 01	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- 02	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- 03	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- 04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- 05	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- 06	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- 07	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- B1	PL3	29 June 2018
Floor Plans Proposed	1016-PL-D-GA- LG	PL2	1 May 2018
Floor Plans Proposed	1016-PL-D-GA- RF	PL2	1 May 2018
Elevations Proposed	1016-PL-D-GE- 01	PL2	1 May 2018
Elevations Proposed	1016-PL-D-GE- 02	PL2	1 May 2018
Elevations Proposed	1016-PL-D-GE- 03	PL2	1 May 2018
Floor Plans Proposed	1016-PL-E-GA- 00	PL3	29 June 2018
Floor Plans Proposed	1016-PL-E-GA- 01	PL2	1 May 2018
Floor Plans Proposed	1016-PL-E-GA- 02	PL2	1 May 2018
Floor Plans Proposed	1016-PL-E-GA- 03	PL2	1 May 2018
Floor Plans Proposed	1016-PL-E-GA- 04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-E-GA- 05	PL2	1 May 2018
Floor Plans Proposed	1016-PL-E-GA-	PL3	29 June 2018

	B1		
Floor Plans Proposed	1016-PL-E-GA-LG	PL2	1 May 2018
Floor Plans Proposed	1016-PL-E-GA-RF	PL2	1 May 2018
Elevations Proposed	1016-PL-E-GE-01	PL2	1 May 2018
Elevations Proposed	1016-PL-E-GE-02	PL2	1 May 2018
Elevations Proposed	1016-PL-E-GE-03	PL2	1 May 2018
Elevations Proposed	1016-PL-E-GE-04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-00	PL3	29 June 2018
Floor Plans Proposed	1016-PL-F-GA-01	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-02	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-03	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-05	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-06	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-07	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-B1	PL3	29 June 2018
Floor Plans Proposed	1016-PL-F-GA-LG	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-M1	PL2	1 May 2018
Floor Plans Proposed	1016-PL-F-GA-RF	PL2	1 May 2018
Elevations Proposed	1016-PL-F-GE-01	PL2	1 May 2018
Elevations Proposed	1016-PL-F-GE-02	PL2	1 May 2018
Elevations Proposed	1016-PL-F-GE-03	PL2	1 May 2018
Elevations Proposed	1016-PL-F-GE-04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-00	PL3	29 June 2018
Floor Plans Proposed	1016-PL-GA-01	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-02	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-03	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-04	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-05	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-05	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-06	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-07	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-B1	PL4	29 June 2018
Floor Plans Proposed	1016-PL-GA-LG	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-M1	PL2	1 May 2018
Floor Plans Proposed	1016-PL-GA-RF	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-01	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-02	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-03	PL2	1 May 2018

Elevations Proposed	1016-PL-GE-04	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-05	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-06	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-07	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-08	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-09	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-10	PL2	1 May 2018
Elevations Proposed	1016-PL-GE-11	PL2	1 May 2018
Sections Proposed	1016-PL-GS-02	PL2	1 May 2018
Sections Proposed	1016-PL-GS-03	PL2	1 May 2018
Sections Proposed	1016-PL-GS-04	PL2	1 May 2018
Sections Proposed	1016-PL-GS-05	PL2	1 May 2018
Sections Proposed	1016-PL-GS-05	PL2	1 May 2018
Sections Proposed	1016-PL-GS-06	PL2	1 May 2018
Sections Proposed	1016-PL-GS-07	PL2	1 May 2018
Sections Proposed	1016-PL-GS-08	PL2	1 May 2018
Location Plan	1016-PL-S-00	PL2	1 May 2018
Block Plan Proposed	1016-PL-S-01	PL2	1 May 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development, including demolition and excavation, shall commence until a Site Waste Management Plan, confirming how construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

4. No development shall commence (including site clearance and tree removal) until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. Prior to the commencement of development (including site clearance and tree removal), details of the location and type of replacement tree planting required as suitable compensation for the loss of mature trees on the Edward Street frontage (as identified in the Tree Removal Plan in the Arboricultural Impact

Assessment) which cannot be physically accommodated on the John Street or Edward Street site frontage including on the public highway shall be submitted to and be approved in writing by the Local Planning Authority. The approved tree planting scheme shall be fully implemented in the next planting season after the completion of construction unless otherwise agreed in writing. Any of the approved trees 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 compensate for the loss of existing mature trees on the site and 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 Brighton & Hove City Plan Part One.

6. Notwithstanding the plans hereby approved, prior to the commencement of development (including site clearance and tree removal), detailed plans, levels and sections at a scale of 1:50 (or other suitable scales) shall be submitted to and approved in writing by the Local Planning Authority showing details of the accessibility arrangements and the adjoining landscaped area from the public highway to the east entrance to Block E which demonstrates to its satisfaction the existing trees on site that could not be retained in situ as part of the development.

Reason: In order to minimise the number of trees to be removed in the interests of the visual amenity of the development and the streetscene whilst ensuring that the development is fully accessible and to comply with policies QD16, QD27 and HO13 of the Brighton & Hove Local Plan and DA5 of the Brighton & Hove City Plan Part One.

7. Prior to the commencement of development hereby approved, an Ecological Design Strategy shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
 - a) Persons responsible for implementing the works;
 - b) Details of initial aftercare and long-term maintenance;
 - c) Details for monitoring and remedial measures;
 - d) Details for disposal of any wastes arising from works.

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

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

8. Prior to the commencement of development hereby approved, evidence should be submitted to demonstrate that the energy plant/room has capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:
 - a) Energy centre size and location with facility for expansion for connection to a

future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;

- b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
- c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

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.

9. Prior to the commencement of development hereby approved, full details including location of electric vehicle charging points within the basement car park hereby approved as follows:
- 10% of the total parking provision
 - 100% passive provision for conversion at a later date
 - rapid charging points for commercial servicing vehicles

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 seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

10. The development hereby permitted shall not be commenced until details of the cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to 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.

11. Prior to the commencement of the development hereby approved, details of the management, maintenance and access to the open spaces within the development shall be submitted to and approved in writing by the local planning authority for approval. Details to be submitted should include:
- (i) Proposed levels and gradients with Datum levels provided
 - (ii) Details of the interface between the publically accessible spaces and the public footway
 - (iii) Management of those spaces to prevent antisocial and/or noisy behaviour which might include physical measures and details of enforcement action by the landowners.

The development hereby permitted shall be implemented, managed and maintained in accordance with the approved details.

Reason: To ensure that the open space would be fully accessible, would operate safely and to protect the amenity of adjoining residents and businesses and the City Council's highway assets in accordance with policies TR7 and QD27 of the Brighton and Hove Local Plan and policies CP13 and CP16 of the Brighton and Hove City Plan Part 1.

12. Prior to the commencement of development, detailed drawings shall be submitted to and approved by the Local Planning Authority showing the west facing elevation of Block F (shown as indicative on drwg no.1016-PL-F-GE- 03).
Reason: The west elevation of Block F would be a prominent feature in the townscape and would have an effect on the setting of the Royal Pavilion and its gardens. Further details of its final appearance are required and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
13. Prior to the commencement of the development hereby approved, details of the location, height, materials and appearance of ducting or chimneys required that would exceed the height of the building to which it relates shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and policies CP12 and CP15 of the Brighton & Hove City Plan Part One.
14. Prior to the commencement of development details of the location of eleven wheelchair accessible dwelling(s), as illustrated in the Design and Access Statement, required to be provided shall be submitted and approved in writing by the Local Planning Authority 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.
15. No development shall commence until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Drainage Strategy received on 2nd February 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.

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

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

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

17. No development shall take place above the ground floor slab level until 1:20 scale elevations and sections of the ground floor shop fronts, B1 office and residential entrances and commercial ground floor frontages have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

18. No development shall take place above the ground floor slab level until sample 1:20 elevations and sections of the elevations of the B1 offices and residential blocks which shall include each window type, window reveals, cladding or brickwork, balconies and entrances have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

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

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

20. Within 6 months of commencement of the development hereby permitted, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.
Reason: This 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 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
21. Details of a bus shelter to be provided by the applicant to the eastbound bus stop on Edward Street to the front of the site shall be submitted to and approved in writing by the Local Planning Authority and subsequently be installed prior to occupation of the development hereby approved.
Reason: In order to mitigate the impact of the development on this location identified in the submitted Wind Microclimate Study and to provide shelter from wind effects for bus users and to comply with policies QD27 of the Brighton and Hove Local Plan and CP13 of the Brighton & Hove City Plan Part One.
22. Details shall be submitted to and approved in writing of the appearance, height, materials and location of the wind screening mitigation measures including screens and fins identified in the Wind Microclimate Study that would be required to be implemented. The measures shall be implemented prior to occupation of the development hereby approved and thereafter permanently maintained as such.
Reason: In order to assess the detailed scale, appearance and location of the physical measures proposed and to ensure the implementation of measures to mitigate the impact of the development on this location identified in the submitted Wind Microclimate Study and to provide shelter from wind effects for occupiers and visitors to the development and to comply with policies QD27 of the Brighton and Hove Local Plan and CP13 of the Brighton & Hove City Plan Part One.
23. Prior to occupation of the development hereby approved:
- i) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.
Reason: To safeguard the amenities of the occupiers of adjoining properties, in the interests of public safety and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

24. i) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring shall be implemented in accordance with the recommendation contained within the Geoenvironmental Desk Study produced by Burohappold Engineering, Reference: 0040182 and dated 31st January 2018 and hereby approved. Such a scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

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.

25. Prior to occupation of the Class A commercial units hereby permitted a scheme for the fitting of any odour control or extract plant and equipment that is required to be installed in the buildings has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and the visual amenities of the area and to comply with policies QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

26. Prior to occupation of the development hereby approved, the 'Plant Noise Limits' detailed on page 37 of the Noise Impact Assessment produced by Burohappold Engineering, Reference: 0040182 and dated 31st January 2018 shall have been strictly adhered to. In accordance with these limits, noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

27. Prior to development above ground floor level, the Party Walls/floors between the commercial/retail and residential units hereby approved shall be designed to achieve a sound insulation value of 5dB greater than that required by Approved Document E of the building regulations performance standard for airborne sound insulation for purpose built dwelling-houses and flats. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted for approval to the local planning authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
28. Prior to occupation of the non-residential buildings hereby approved, the soundproofing measures shall be implemented in strict accordance with the acoustic design criteria, approved details and recommendations contained within the Noise Impact Assessment produced by Burohappold Engineering, Reference: 0040182 and dated 31st January 2018. These measures shall include the recommended ventilation strategy, residential glazing requirements, and retail / commercial glazing requirements.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
29. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Energy and Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
30. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development as built has achieved a minimum BREEAM New Construction rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
31. Prior to occupation of the residential units hereby approved each residential unit built must achieve 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.
32. Prior to first occupation of the development hereby approved a Delivery, Servicing and Access Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
a) Details of the types of vehicles that will deliver to and service the site and the

- anticipated frequency of their movements
- b) Details of how delivery and service vehicle movements will take place and be managed, including how goods and containers will be conveyed between vehicles and building accesses without obstructing the highway or compromising safety for users of the highway
 - c) A scheme for annual monitoring of delivery and service vehicle movements by an independent third party to record compliance with the approved Management Plan shall be submitted annually to the Local Planning Authority. This shall also include an Action Plan setting out additional measures that will be taken in the event that the monitoring shows variation from the approved Plan. Monitoring shall be carried out from first occupation of the development until 5 years following occupation of the whole development.

Both deliveries and the measures to prevent unauthorised use of delivery and servicing areas shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies QD27 and TR7 of the Brighton & Hove Local Plan.

33. Prior to the first occupation of the development hereby approved a Car Parking Management Plan which, inter alia, details how parking spaces will be allocated, secures accessible parking spaces for disabled residents or workers, details how electric vehicle charging points are to be made available (including bringing the passive provision into use), shall be submitted to and approved in writing by the Local Planning Authority. The parking shall thereafter be managed in accordance with the approved plan.

Reason: In order to ensure that the parking is managed in line with the principles of CP9 of the Brighton & Hove City Plan Part One and SPD14.

34. Prior to first occupation of the development hereby approved a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15, HE6 and QD27 of the Brighton & Hove Local Plan and CP12, CP15 and CP13 of the Brighton & Hove City Plan Part One.

35. Prior to occupation of the development hereby approved, a 20 year Landscape and Ecological Management Plan to include all of the communal residential and commercial areas and the ecological green roofs shall be submitted to and be approved in writing by the Local Planning Authority and be fully implemented thereafter unless otherwise agreed in writing.

Reason: To ensure that the landscaping and ecological scheme is maintained in the long term and to comply with policies QD15 and QD16 of the Brighton &

Hove Local Plan and CP10 and CP12 of the Brighton and Hove City Plan Part One.

36. Prior to first occupation of the development hereby approved, 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 to all communal areas and/or all areas fronting a street or public area, including ground preparation and amelioration, soil type and drainage method, numbers and species of plant, and details of size and planting method of any trees.

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.

37. Prior to first occupation of the development hereby approved the Operational Waste Management Strategy (040182) Revision A (dated 30.01.2018) and the waste facilities shown on the drawings hereby approved shall be fully installed and implemented and shall thereafter be retained for use at all times unless otherwise agreed in writing by the Local Planning Authority.

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.

38. A signage strategy shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The strategy shall include details of the location of informational, warning and directional signage within the site and around the perimeter of the development hereby approved together with the planned location of commercial signage on individual units which shall include:

- a) Information signage or site maps indicating location of residential, business and community premises and public and private amenity areas.
- b) Information on location and availability of all visitor and bike share cycle spaces.
- c) Information, location and availability of servicing and delivery locations and restrictions
- d) Directional signage and distance information for location of public transport facilities including bus and taxi pick-ups and Brighton Station.
- e) Information and directional signage for pedestrian movements, footways and road crossing points between all parts of the development hereby approved and nearby amenities.

The scheme shall be implemented fully in accordance with the approved details.

Reason: To ensure safe, consistent, coordinated and efficient wayfinding around the site and the immediate neighbourhood and to avoid unnecessary, excessive and visually harmful signage clutter and to comply with policies TR7, TR9, TR14, QD5, QD12 and QD27 of the Brighton & Hove Local Plan and DA3, CP12 and CP13 of the Brighton and Hove City Plan Part One.

39. Prior to occupation of the residential units hereby approved each residential unit built must achieve 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.
40. Prior to first occupation of the development hereby approved all hard landscaping and means of enclosure shall be completed in accordance with the approved scheme. 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 Brighton & Hove City Plan Part One.
41. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to protect the visual amenity of the public and private realm and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
42. Unless otherwise agreed in writing, 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 HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
43. All activities and operations associated with the Class A commercial and retail units of the development hereby approved shall only take place between the hours of 07.00 and 23.00 on Mondays to Sundays including Bank or Public Holidays, unless otherwise agreed in advance and in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
44. Outdoor seating in the designated areas associated with the Class A commercial and retail units of the development shall only be in use between the hours of: 08.00 and 22.00 on Mondays to Sundays including Bank or Public Holidays, unless otherwise agreed in advance and in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

45. The residential communal roof top amenity terraces (blocks D, E and F) hereby approved shall not be permitted to be used between the hours of 20.00 and 08.00 hours on a daily basis.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
46. The Class A retail floorspace measured as Gross Internal Area including ancillary storage (as defined by the Use Classes Order as amended) hereby approved within the development shall not cumulatively exceed 990 sq. m across the development site as a whole.
Reason: The Class A retail floorspace hereby approved was not required to be assessed under a Retail Impact Assessment and to comply with policies CP4 and DA5 of the Brighton and Hove City Plan Part One which seeks to maintain and enhance the role of the existing District shopping centres.
47. Except for the flexible floorspace hereby approved in block C, blocks A, B and C shall be used as offices (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP3 and DA5 of Brighton & Hove City Plan Part One.
48. The lower ground and ground floor flexible uses (as shown on Drwg. Nos. 1016-PL-GA- LG Rev PL2; 1016-PL-GA- 00 Rev PL3) shall be used for Class A1; A3; B1 a) and D1 purposes only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission first being obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of retaining an interesting attractive frontage to public realm and safeguarding the amenities of adjoining residents and to comply with policies SU10, QD5 and QD27 of the Brighton & Hove Local Plan.
49. The ground floor flexible floorspace hereby approved which includes Class C3 residential space in Blocks C and D (Drwg No. 1016-PL-GA- 00 Rev PL2) shall

only be used as ancillary residential floorspace to the 168 residential units approved and shall not be used to provide additional residential units.

Reason: In the interests of proper planning and in order to retain control over the standard and quality of new residential accommodation and to ensure that new residential development complies with current planning policies and guidance and policies SS1 and DA5 of the Brighton and Hove City Plan Part One.

50. The Class B1 offices within blocks A; B and C hereby approved shall be fitted with motion controlled infrared light switching with timers. Details of the specification, location and times of operation shall be submitted to and improved in writing by the Local Planning Authority for approval prior to the development above slab level of these buildings .

Reason: In order to mitigate the impact of lighting from within the tall buildings hereby approved on the setting of the natural background and to comply with policies QD27 of the Brighton and Hove Local Plan and CP8, CP12 and CP15 of the Brighton and 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. Informative: Energy Efficient Standard
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.
3. The water efficiency standard required under condition XX is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. The applicant is advised that an agreement with Southern Water, prior to

commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

6. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
7. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org)
8. The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway.
9. The applicant is advised that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to the highway, prior to the commencement of any construction works. Both structural approval as Design Manual for Roads and Bridges BD2/12 and/or geotechnical approval as HD22/08 may be required as applicable. The applicant is further advised that they must contact the Council's Civil Engineering Team (transport.projects@brighton-hove.gov.uk 01273 294570) for further information at their earliest convenience to avoid delay.
10. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
11. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 This site is 0.87 ha. in area and was formerly occupied by the headquarters of American Express (AMEX) as B1 offices. It is located close to the junction of John Street on its western boundary and Edward Street on its southern boundary. The corner of these two streets is occupied by a Job Centre occupying a four storey building which the application site wraps around on its north and east flanks. The northern boundary of the application site is occupied

by the current American Express Headquarters (1, John Street) comprising a 9 storey building completed and occupied in 2013 (Ref: BH2009/01477). There is also a three storey building on the north boundary which houses the American Express plant and data back-up. As part of that development, Mighell Street (north) was landscaped and currently is a cul-de-sac between 1, John Street and the data building. There is also a public right of way which runs adjacent to the north boundary of the site linking to Mighell Street and northwards to Carlton Hill. The eastern boundary of the site adjoins 2 storey terraced dwellings in White Street which have rear gardens.

- 2.2 The site has been cleared and excavated down to basement level (completed December 2017) which once provided car parking to the former AMEX office which was 9 storeys in height providing 21,723 sq. m of offices. The demolition of the former AMEX office was a requirement of the S106 agreement attached to the planning consent for the new AMEX office. The topography of the site results in a fall of 4 metres from north to south and 5.5m from east to west.
- 2.3 The site is in a mixed commercial and residential area featuring John Street Police Station and the Law Courts opposite to the west on John Street. Opposite to the south is a University of Brighton building and Dorset Gardens, a historic park with residential terrace on its east side.
- 2.4 The site is opposite the East Cliff Conservation Area (CA) to the south and beyond to the north east is the Carlton Hill CA and Valley Gardens CA to the west.
- 2.5 The proposals comprise a series of buildings of varying heights fronting both John Street and Edward Street. A key element of the proposals is the extension of Mighell Street, a pedestrian street, to reinstate this historical street which once linked Carlton Hill with Edward Street. This would form a central spine of the development running from the east flank of the 1, John Street and in between Blocks C and D and further south in between Blocks E and F.
- 2.6 The basement to the whole development is accessed from John Street as it was when AMEX House was on the site. Within the basement are proposed 54 car parking spaces and 379 cycle spaces and it would also be capable of providing servicing and delivery space with a turning area for vehicles to exit in a forward gear. 110 short term visitor cycle spaces would be provided at ground floor level.
- 2.7 Block A fronting John Street would be 6 storeys in height of B1(a) offices with a main entrance and the basement access integral to it. The building would be flanked on the north side by the public right of way and the Job Centre on its south flank. The roof would provide a bio-diverse roof and a photovoltaic array.
- 2.8 Block B would be a smaller 3 storey B1 a) office behind Block A also flanking the public right of way. At ground floor level there would be an undercroft linking the public right of way into the courtyard amenity space, whilst the ground floor also provides an entrance from this courtyard which also links to Block C on the east side of the courtyard. The roof would have a roof terrace.

- 2.9 Block C provides the other large Class B1 a) office building in the development and would be 7 storeys in height (reduced from 8 storeys since submission). The building sits on the east side of the courtyard with Mighell Street (as extended) on its east flank and the public right of way and 1, John Street to the north. The main foyer entrance would be from Mighell Street with a back entrance to the courtyard. The southern half of the ground floor would provide a flexible unit which could be either Class A1 retail, B1 small office or D1 community use. This unit would have 3 frontages facing Mighell Street, the courtyard and access into the courtyard and is envisaged as providing an active frontage and use which engages with the streetscene and the public. The roof would provide a bio-diverse roof and a photovoltaic array.
- 2.10 Block D is a residential block sited east of Block C flanking the east side of Mighell Street and opposite the rear of White Street dwellings. It is visually subdivided into two blocks which step down the hill as 7 and 6 storey blocks but with a central core linking all of the accommodation via a single entrance. Residential storage would be provided in the basement and at ground floor (north) would be another flexible Class A1 retail, B1 small office or D1 community use. The ground floor (south) would provide a small commercial B1 unit fronting Mighell Street with two flats behind. The block would provide 75 residential units (comprising: 12 x studios; 41 x 1 bed; 20 x 2 bed and 2 x 3 bed units).
- 2.11 To the rear of Block D would be a private communal amenity space for the occupiers of Block D only which could be accessed from an undercroft adjacent to the core. The two roofs of Block D would be a bio diverse roof and a roof terrace to the south. Flats would have private balconies on the east and west elevations.
- 2.12 Block E would be part 6 storeys and part 4 storeys on the south east corner of the development. The lower ground and ground floors would comprise commercial B1 office units with a main entrance from Mighell Street and a secondary entrance from the Edward Street/White Street corner. The upper floors would provide 24 residential units (comprising: 2 x studios; 8 x 1 bed; 11 x 2 bed and 3 x 3 bed units). This block includes the proposed 18 affordable rented housing units and 6 of the shared ownership affordable units. The flats would have dual aspect onto Edward Street and the private amenity space. The roofs would provide bio-diverse roofs and photovoltaic arrays.
- 2.13 Block F would be part 7 and 8 storeys high and would be the main south facing block between the Job Centre to the west and Block E. The ground floor would comprise commercial B1 floorspace with 69 residential units above (comprising: 14 x studios; 29 x 1 bed; 20 x 2 bed and 6 x 3 bed units). 9 of these units would be in shared ownership. A residential mezzanine floor between the ground and first floors at the front makes the transition to the back of the site due to the topography. The 7th floor would be set back with a large south facing communal roof terrace at the front and a small private terrace at the rear. The flats would have east and west facing private balconies.

- 2.14 There would be three significant areas of amenity/open space around the scheme at street or ground level. The first part is the extended Mighell Street which would be a continuation of the north section at a width of 14 metres and 82 metres in length. There are two sections to it of different character as a result of the steep fall south across the site. The section between Blocks C and D (46 metres) would have a shallower gradient enabling direct wheelchair access and enabling servicing and deliveries from Carlton Hill to the development and easy access into the courtyard. The lower section (36m) between Blocks E and F would have much steeper fall and would have zig-zag ramped access as well as steps at the sides.
- 2.15 The second element of amenity space would be the courtyard space enclosed by office blocks A, B and C. This intended to have public access but would be closed off overnight. The intention is that the space would be lively with animated landscaping where office workers and the public could relax and a potential café or retail unit would front this amenity area. The applicants also consider that events or organised activities could take place. It is the applicant's intention to retain the freehold and management of the development once complete.
- 2.16 The third element of open space is the private garden space for communal use by occupiers of Block D. It would be 66 metres long and 12 metres in width and would provide play equipment and other landscaping. Access would be through secure gates for occupants of the flats only.

3. RELEVANT HISTORY

- 3.1 BH2009/01477 - Demolition of existing ancillary office accommodation and erection of 5-9 storey office building plus two basement floors. Erection of 3 storey service facilities building fronting Mighell Street. New vehicular access off John Street. 106 car parking spaces and 132 cycle parking spaces and associated landscaping. (Amended plans submitted 14/09/2009) Granted 21 December 2009.

3.2 Member Pre-application Presentation

Proposals were presented to Members on 7th November comprising 10,000 sq. m of commercial floorspace (including 6,500 sq. m B1 office, 2000 sq. m of other B1 floorspace and retail uses). Approximately 200 residential units were proposed with an element of build to rent. The feedback was as follows:

- The aspiration to achieve policy compliant affordable housing was welcomed.
- Welcomed that the employment floorspace was close to a policy compliant amount.
- The proposal to provide build to rent housing units, that would not detract from recognised affordable housing, was also welcomed.
- The applicant's commitment to an open book viability assessment was also welcomed.
- Members would welcome a review of the massing and impact of the proposals on the setting of Pavilion gardens and the Royal Pavilion.

- A larger area of amenity space that was level or on a gentle gradient was needed to be more useable and concern was also expressed about accessibility across the public areas with so many steps.
- A further review of the basement space should be undertaken with the objective of providing more car parking which was felt to be low.
- The provision of some form of cultural offer in the amenity space was welcomed but need to ensure that a proper management plan would be in place to overcome serious amenity concerns.
- The scheme needs more verticality on the elevations to mitigate the massing in the views.
- High quality materials would be sought. Render would not be welcomed.
- Important that modern design still respects the character of the East Cliff Conservation Area
- The proposals for the roof spaces are welcomed indicating amenity space provision. Projecting balconies would not be welcomed.
- Would wish to see the use of renewables in the scheme including photovoltaics.

3.3 Design Review Panel

At the first review in October, the Panel supported the general site layout as currently proposed. It did not wish to see the future redevelopment of the Job Centre (as envisaged in the Development Brief) to be compromised by windows on the west elevation (Block F). The south east corner on Edward Street needed a strong corner design. The heights and massing were broadly acceptable but concerns were raised about the longer distance views which needed further assessment work to form an opinion on the impact on the Royal Pavilion Gardens.

- 3.4 At the second Review the Panel welcomed the change to office use of Block C which would mean the open space was enclosed by commercial development thus making it easier to manage and address concerns about night-time anti-social behaviour. Removing the corner block on Edward Street/White Street would need careful consideration about the entrance and open space in front. The reduction in heights on the western blocks would lessen impacts in long views from the west but concerns about Block C seen from Royal Pavilion Gardens remained a concern. A view from the gardens café should be modelled.

3.5 Officer Pre-application Advice

Officers provided advice in respect of design and policy issues. An initial increase of commercial floorspace (mainly B1 office) to 10,000 sq. m was welcomed in October as a step in the right direction towards policy compliance. Within this total, the A1/A3 retail floorspace proposed was also reduced to 1500 sq. m. The residential proposals were still "circa" 200 units comprising studios, 1, 2 and 3 bed units including an element of build to rent units.

- 3.6 A further uplift in the overall B1 floorspace towards the policy compliant figure of at least 10,000 sq. m. was sought and now the proposals have increased the provision to 15,000 sq m of B1a) floorspace. A reduction in retail floorspace was also sought and has now been reduced to 990 sq. m. Gross Internal Area (GIA).

- 3.7 Discussions about the siting, height and bulk of the proposed development and reiteration of the Edward Street Quarter brief which considered that 7 storeys might be the maximum achievable whilst maintaining the objective of ensuring that there would be no harmful impact on the setting of the Royal Pavilion Gardens. The scheme has been reduced from a maximum of 10 storeys in the case of Blocks A and C in its earlier iterations. Block A, fronting John Street, was reduced in height to 6 storeys prior to submission to help achieve the desired stepping down effect from 1, John Street with the gradient of the street. Further reductions were presented subsequently to a maximum of 8 storeys (Block F) and finally the revised current proposals have been further amended by reducing Block C by a storey to 7 storeys maximum.
- 3.8 The bulk and mass of the Edward Street frontage has also been scaled down. Projecting wings on the rear of Block D facing the rear of White Street dwellings were removed. Block E has also been reduced in length where it previously extended to the corner of White Street at 4 storeys.
- 3.9 Officers sought a more distinct vertical emphasis on the south elevations to reflect the proportions of the historic buildings in Dorset Gardens and a set back at its western end was introduced to reduce the bulk. Vertical emphasis in the west elevations was similarly requested to Block A to enhance its appearance in longer views.
- 3.10 Two particular viewpoints (nos. 3 and 4) from Pavilion Gardens raised very significant concerns and the series of reductions in height of the development have also been a response to concerns about the coalescence of the development with the Royal Pavilion in key views.

4. REPRESENTATIONS

4.1 Original Scheme

96 letters has been received, objecting to the proposed development for the following reasons:

- Excessive parking, traffic.
- Increase in crime
- Loss of privacy compared to former offices.
- Loss of sunlight to gardens
- Impact on White Street
- Overshadowing
- Block D and buildings too high
- No direct sunlight
- Harmful impact on air quality
- Planting will not grow in shade
- Loss of tv signal
- Residential units should be reduced.
- Fails to comply with Development Brief on height and density
- Daylight/sunlight study should compare with site before AMEX House built
- Mighell Street will be too narrow and become a wind tunnel with no sunlight

- No public square envisaged in brief lost opportunity. Insufficient public space.
- Public areas will receive little sunlight
- Adverse impact on setting of Royal Pavilion view
- Buildings should step down to the south
- Overdevelopment
- EIA needed
- Impact of data building chimneys on new flats needs assessing
- Will transform the community in a way not in its interests.
- Loss of views
- Burden on GP health services
- Poor architectural design
- Will not deliver affordable housing
- No need for Mighell Street extension which compromises development
- Site should have a green square at the front linked to Dorset Gardens by a grass bridge.
- Private gardens will be in shade all of the time
- Loss of open space
- Development out of scale with White Street terrace
- Retail units would be harmful to St James' Street shops-AMEX House was set back and not overbearing. New buildings fronting Edward Street will be overbearing.
- Development should take account of conservation areas. Views west towards Pavilion should be assessed
- Wind microclimate assessment show that wind impacts would increase.
- Loss of sunlight to front of White Street (east) dwellings
- Buildings are characterless and lack architectural flair. Design is functional and does not raise standard of architecture.
- Doesn't respect character of neighbourhood
- Office space will not be used and be left empty. Was supposed to be for start up businesses.
- Open space should be at front
- Pressure on schools
- Support re-opening of Mighell Street
- No housing for disabled
- AMEX office has its lights on 24 hours a day. Will this development be the same height.
- Increased light pollution
- Needs a living wall system to mitigate air quality
- Insufficient public space for the community
- Need swift boxes on buildings
- First Base should not allow for costs of demolition in their financial viability as American Express paid for this.
- 22 letters of support have been received on the grounds that:
 - Would offer more retail and employment opportunities.
 - The area would become safer and nicer
 - Offers sufficient affordable housing, public space and will create a new centre and experience.

- Buildings fronting John Street should be no more than 7 storeys
- Opportunities for affordable housing
- Welcome cycle provision and control over evening uses and good lighting.
- Welcome places to eat
- Good for start-up tech businesses
- Would support Dorset Gardens entrances and fences being improved and becoming free from dogs
- Would support space for students to work
- Good use of derelict site and like proposals for green space
- Better development than what was there before
- As many homes as possible and 24 hour security
- Needs flats to be good sized and close to elderly relatives
- Would bring excitement, organisation and community to the site
- Dorset Gardens could be improved with dog free section, refurbish gates and fences, footpath, improve drainage, low level lighting, planting, benches, seating, community café.

4.2 Revised Scheme

- 50 letters of Objection have been received to the revised proposals as follows:
 - Need for good air quality
 - More bus stops
 - Concern about wildlife (sparrows).
 - Contrary to policies DA5, CP20, SO9 and SO12 over-development lacking in efficient use of land, imaginative and sensitive architecture and community/environmentally friendly public realm. Doesn't meet 40% affordable housing.
 - Failure to meet Localism Act
 - Fully endorse the objection by our MP Lloyd Russell Moyle.
 - Original plans would have provided housing and improved the area. This will re-create slums of the 1960's.
 - Revised plans have not addressed issues. No significant changes. Previous community objections not addressed. Only significant change was removing floor from Block C and narrowing courtyard. Plans amended to appease Heritage Department only.
 - More noise and air pollution.
 - Parking congestion.
 - Loss of sunlight to Blaker Street.
 - Still too many private dwellings which will be let out as Air B&B.
 - Unsightly tall buildings, limit sunlight to gardens.
 - Support comes from residents living far away from site.
 - No provision for GP, Dentist, health services, schools.
 - Amendments do not alleviate fears for Brighton's architectural future with no nod to architectural past or attempt to keep in character with the area or a pioneering new design. Poor design.
 - Loss of quaint character of the area.
 - Plenty of cafes and restaurants already.
 - Query policy change from maximum to minimum housing units.

- Improvements to Royal Pavilion views irrelevant to residents.
 - Development will blight view from Royal Pavilion gardens.
 - Loss of privacy from balconies.
 - Too close to the boundary.
 - Additional traffic.
 - Adverse effect on listed building.
 - Community unfriendly design.
 - Support community alternative design with green bridge.
 - Edward Street Quarter Neighbourhood Plan submitted as an alternative by local residents. Objects to inefficient use of north west corner, Buildings A and B too low, private courtyard could accommodate buildings, Mighell Street extension unnecessary, opportunity for public realm on Edward Street lost. Alternative layout and block plan proposed including 'green bridge' across Edward Street.
- 4.3 5 letters making: General Comments were received as follows:
- Need more affordable housing and green space. Welcome more offices. Would like to see vacant land further up Edward Street included.
- 4.4 16 letters of: Support were received as follows:
- Good for business and retail jobs. Restrict short term lets and Air B&B. Good plan to invigorate the area. Welcome green space as much as possible. Great use of space providing needed social housing. Support regeneration if done sensitively. Could include community use or local library. Need trees. Needs to happen quickly. Need housing. Plant trees and flowers
- 4.5 Residents of White Street, Blaker Street, Carlton Hill, St Johns Place, Dorset Gardens, George Street, Edward Street and others - 'Edward Street Quarter Neighbourhood Plan' document with appendices was submitted on 22nd February. Objections summarised as follows:
- Development brief stated a maximum of 65 residential units
 - Heights exceed indicative heights in Development Brief
 - Model used for Wind assessment misleading. Poor public realm.
 - Baseline for assessment should be the site as at present. Open space will not receive much sunlight. Rear gardens at lower end of White Street will not get any sunlight. Overshadowing of neighbouring dwellings.
 - Affects the setting of Royal Pavilion Gardens. Developer chosen views that do not show full impact on setting of Royal Pavilion.
- 4.6 Revised comments
Follow up 'Edward Street Quarter Neighbourhood Plan' document submitted on 13th June with alternative development proposal. Objections to extension of Mighell Street, Blocks A and B should be taller and blocks facing White Street lower. Buildings fronting Edward Street should be set further back and public green space behind in front of 1 John Street.
- 4.7 Carlton Hill School Primary School -
Seek support in request that part of the S106 Planning funding agreed is directed specifically towards the school. Proposing a capital project which will

benefit whole school, which is at the centre of this community. Extension of space, refurbishment and re-stocking school library.

4.8 Lloyd Russell-Moyle MP - Objection on the grounds of:

- Failure to meet policy CP20 Affordable Housing
- Unsympathetic to policy CP21 Urban Design
- Request condition to meet policy CP7 Infrastructure and Developer contributions
- Condition to meet policy DA5 (A4) Improve Air Quality

4.9 **Historic England:** Objection

The full extent of the potential impact has not been demonstrated because, at this stage, views at night or dusk, when internal illumination of the proposed development may make it more prominent, has not been provided. The impact of the development upon the way these important heritage assets are experienced rather than just seen has also not yet been provided. In light of the importance of the Royal Pavilion and its gardens to visitors and residents alike this information should be provided.

However, it is clear that, taking into account the distance between the Royal Pavilion, the topography and the current massing, the potential harm is likely to be much less than substantial in terms of the NPPF. Nevertheless, any harm to designated heritage assets, and particularly those at the highest grade, has to be justified. We are broadly content with the proposals, subject to the applicant addressing the issues as outlined above. Now that a planning application has been made we think that a discrete assessment of the contribution of setting to the significance of the heritage assets (showing what is important and why) and the effect of the proposal upon that significance should be provided as an addendum. Demonstration of the impact of proposed development upon the Royal Pavilion, the Dome and the Pavilion Gardens should include illustrations at different times of day and an assessment of any impact upon how these assets are experienced and enjoyed. The potential for further mitigation or minimising of any harm identified by this process should also be further explored through consideration of design changes.

4.10 **Conservation Advisory Group:** Objection

The Group recommends Refusal. It considers the proposals to be an over development and regrets the setting aside of the 2013 Planning Brief. The bulk and massing is harmful to Dorset Gardens and to views from within heritage assets including the Royal Pavilion Gardens whilst the design does not match up to the quality of the adjacent Amex building. More information is required on the impact of the development when viewed at night and it is requested again that an overlay visual of the demolished "Wedding Cake" building is provided to help with an understanding of the proposed changes to the townscape.

4.11 **Brighton Society:** Objection

Poor quality of open spaces particularly lack of direct sunlight. Overshadowing of neighbouring gardens would result. Excessive height and bulk of buildings, exacerbated by the boxy unimaginative design would result in an overbearing impact when viewed from important viewpoints.

4.12 Kingscliffe Society: Objection

Disappointed with the south facing aspects of the application. Objects to the angular massing, excessive height and heavy materials of the blocks along Edward Street, which will loom over listed buildings and public gardens in Dorset Gardens to the detriment of the East Cliff Conservation Area.

4.13 Regency Society: Objection

The north side of the road has a series of unattractive buildings built up to the pavement edge. AMEX House set back provided attractive sunlit space. New building Block F should be set back 15-20m. Open spaces at the back are unlikely to be successful as it will be surrounded by buildings. Buildings are boring and bland and make no attempt to create additional green space on the roofs. Opportunity to create a striking architectural statement.

4.14 Hove Civic Society: Objection

North side of street presents a series of unattractive buildings built up to pavement edge. Site had an attractive open space but as proposed at the back unlikely to be successful. Catering outlets unlikely to be successful and will suffer from wind tunnel effects. Buildings are bland.

4.15 Sussex Gardens Trust: Objection

Initial comments

Despite the pressures upon this garden from heavy usage, it continues to offer a place for quiet enjoyment and appreciation of the nationally important architecture of the Royal Pavilion and the Dome complex by residents and visitors alike. The gardens are inward looking with views within and across the garden, and garden spaces framed by mature trees. Regrettably, when walking through the gardens from the southwest to the north east, distant major developments on the higher land to the east and north east are now visible above and through the tree canopies, and there is now a heavy dependence upon the remaining Elms, to screen from view or at least minimise the impact of these modern developments on this contained historic landscape.

Regrettably the Sussex Gardens Trust must oppose this development, because of its excessive height, which in such near proximity to the Royal Pavilion and its gardens is considered harmful to the Royal Pavilion Estate's skyline.

The Trust had expected a greater stepping down in height of this development, toward Edward Street, following the relocation of the American Express building further north, and the demolition of the former Amex building. In terms of impact on the setting of the Royal Pavilion Estate, the Trust sees little in the way of improvement on what was there before the demolition of the old Amex building.

Much is made of the positive screening effect of existing trees within the Royal Pavilion grounds; but in the absence of evidence of a forward thinking management plan for the Royal Pavilion Garden, and no assurances that any such plan is to be implemented, little weight should be given to the screening currently available during the summer months. Taking both developments together, ie that now proposed together with the recently constructed new Amex

building to the north, the resultant infilling of the backdrop to the pavilion gardens, between the Dome and the Pavilion, will be a very noticeable intrusion on the skyline, and create an apparent continuous ring of medium high rise dense urban development above the trees between the Dome and the Royal Pavilion, such that these treasured landmarks will no longer be seen as 'stand alone' historic monuments in a garden setting.

The harm caused to the setting of the Royal Pavilion Estate may be less than substantial, but nonetheless there needs to be both greater justification for the size of development proposed and greater thought given to mitigation measures. In the absence of appropriate mitigation, the Sussex Gardens Trust opposes any development that breaches the skyline illustrated below, and therefore objects to planning application BH2018/00340.

Revised comment

The Trust does not accept that the changes sufficiently address the concerns of the Trust. Each of the major developments currently under construction within Brighton's central area will have a harmful impact on the historic urban landscape due to excessive height. The Trust urges further height reduction including further step down of perimeter frontage buildings to a height that is virtually invisible in winter and after dark. The new AMEX office was acceptable on the basis that the backdrop to the Pavilion would become more sensitive.

4.16 Scotland Gas Network: No objection

4.17 Southern Water: No objection

Request conditions related to drainage and surface water

4.18 Sussex Police Community Safety: No objection

Initial comments

Communal and play areas should be in view of nearby dwellings with safe routes to come and go. Positioning amenity and play areas near dwellings can increase the potential for crime and complaints of noise.

In regard to any Cafes and Restaurants subsequently occupying the commercial units I ask that any consent for the future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters / waitresses. Substantial food shall be available at all times.

General advice on access and security provided. Recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.

Revised comments

No additional comments except seek to compartmentalise the cycle storage areas and entrances from basement service road to the cycle store should have controlled access.

4.19 Brighton and Hove Economic Partnership: Support

Confirm support for proposed development which will bring economic benefits to the City. Will deliver 160,000 sq ft of commercial space and 2,000 jobs supported by Policy DA5. Welcome the scheme's response to city's need to accommodate expanding Small & Medium Enterprises (SME) in good quality space. Applicant has signed up to be a Living Wage Employer. Scheme would result in £4.2m local expenditure and £12.14m in Business Rates would accrue, £1.5m Council Tax over 5 years and £1.1m towards New Homes Bonus. This will be one of the largest mixed use developments in recent years delivering affordable homes on an agreed viability position and meets the strategic objectives of the B&H Economic Strategy.

4.20 UK Power Networks: No objection

Please be advised that my Company has no objections to the proposed works.

5. CONSULTATIONS

5.1 Air Quality Officer: Recommend approval with conditions

Initial comments

Recommend approval with conditions. Trip generations would be below the threshold requiring a detailed air quality assessment as set out in the Air Quality management guidance. At this time nitrogen dioxide concentrations are compliant along the section of Edward Street bounding the proposed development land. For this development in combination with cumulative increase in traffic negligible impacts to roadside pollution are predicted for Edward Street, Eastern Road and for Valley Gardens including adjacent with Grand Parade.

Welcome that the development does not propose major combustion plant on site with emissions to air or deliveries of biomass or potential for methane escape. Welcome the high proportion of bicycle parking. Disappointing that the commitment to provide above policy compliant numbers for slow or fast electric charging points has not been followed through.

Conditions to be agreed for vertical flue discharge.

CEMP conditions for HGV routings to minimise journey distance through the AQMA. Especially avoid London Road Preston Circus, Lewes Road Vogue Gyratory, and Grand Parade.

Revised comments

An addendum to the air quality assessment has considered the potential effects of existing chimneys on the adjacent American Express Data building on Mighell Street on the proposed dwellings and nearest office at the north end of the development. These releases to air have the potential to create impacts on localised air quality with the introduction of newly permitted buildings and structures that could inhibit plume dispersion. The developer has submitted a detailed dispersion assessment to determine the contribution of nitrogen dioxide from existing flue terminations. The assessment presents negligible contribution when compared to the national air quality strategy limits. SPD14 sets out minimum guidance for electromotive charging points. The developer has pledged to go beyond with electromotive ready ducts for all parking spaces. The

Health Impact Assessment cross-references with the air quality assessment. In addition to dust there needs to be greater emphasis on the mitigation of NOx emissions in the Construction Environment Management Plan (CEMP). By the time of the early phases of construction it should not be onerous to mandate euro-VI HGV emission standard.

5.2 Arboriculturalist: Objection

Initial comments

A total of fourteen visible trees are recommended for removal by the developer and there were originally nine trees to be planted along the frontage of the building as replacements from East to West in the original landscape plan and this was viewed as reasonable. However, this has now been reduced to five replacement trees. This is regrettable and will lead to a loss of townscape value and amenity to the existing street scene. It is believed that the trees proposed to be planted here would leave a gap of only 3m between the centre of the tree stems and the new façade line and this seems far too close to allow a new street tree to thrive in this location. It is for these reasons that the Arboricultural team cannot support this proposal.

Seek an investigation regarding the retention of T4 and T5 sycamores and more assurances about tree planting at the front of the development.

Revised comment

The Arboricultural team are disappointed with the applicants response that trees cannot be planted within the highway at the frontage of the building in Edward Street due to services having been detected underneath the footway. A more positive approach would include digging trial holes in the footway to explore in detail the feasibility of planting trees in this location.

A response to the request to retain two of the sycamore trees (T4 and T5) within the accessible footway area adjacent to No.1 White Street. I have reviewed the proposals to provide access into Block E that displays steps, from the White Street or East side as an access to Block E. With this design it will not be possible to retain these trees as the steps are shown under the stem of T4. Further options should be explored that might allow retention of these trees.

At present ten early mature trees would be lost, and two groups of trees, easily seen from Edward Street, to allow the proposed development. As there are very few large trees within the local street scene, the retention of trees T4 and T5 is extremely important. The retention of these, assisted with additional publically visible tree planting would go a long way to mitigate the loss of the other trees providing environmental benefit and public amenity to the immediate area. There will be less opportunity for tree planting in the immediate area due to this development hence the importance of these trees.

With the removal of all existing trees, and a diagrammatical suggestion of three young trees to be planted in this south-eastern corner, that have no guarantee of fully establishing, it is difficult to envisage how the development would improve the public realm. I believe that this will result in an environmental loss to the street scene and this is to be regretted. Recommend conditions requiring

detailed underground survey with trial holes to be dug and other options for providing an accessible public realm and access to Block E to seek retention of trees.

5.3 ESCC Archaeologist: No objections

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

5.4 Children and Young Peoples Trust: Comment

Initial comments

I have estimated the level of contribution towards education infrastructure that would be expected if this development was to proceed and the number of pupils that are likely to be generated by the development. I have included all the units as private housing the application form states that all the units will be market units whereas the planning statement states that some units will be affordable. It is not clear what the actual split between market units and affordable units will be.

The planning statement states that there will be 31 x studio apartments and 75 x 1 bedroom apartments. In calculating the contribution I have included just the 75 x 1 bedroom units. This is because in general studio apartments do not give rise to school age children.

In this instance we will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of £132,067.40 towards the cost of secondary provision if this development was to proceed.

With regard to the secondary provision, the development is in the current catchment area for Dorothy Stringer and Varndean schools. At the present time there is no surplus capacity in this catchment area. 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. Funding secured for secondary education in the city would be spent at either Dorothy Stringer and Varndean schools or any new school that may be constructed.

Revised Comments

I have attached revised spreadsheets showing the contributions based on the revised housing number figures setting out the number of affordable units proposed. The revised contribution would be £98,134.

5.5 City Parks: No objection

Queens Park is our primary site for developer's contributions from the Former AMEX site. Investment would support the implementation of CityParks recent Conservation Management Plan. The focus of this investment would be on increasing wildlife habitats, improving accessibility across the park, improving interpretation/way-finding, increased playground. Dorset Gardens is another

important pocket park which needs investment for better access, seating and relaxing, plant and tree conservation, improved security and interpretation.

Valley Gardens and Turner Park are also sites which would benefit from improved links and increased offerings within them. Their key focus would be again, increasing conservation areas, trees, seating and natural play improving access.

It is also important to invest in links and access improvement to these sites on the streetscapes.

5.6 Ecology: Support

Initial comments

In summary, the proposed development is unlikely to have a negative impact on biodiversity and can be supported from an ecological perspective. The proposal for biodiverse green roofs is welcomed and strongly supported, and will help meet Biosphere targets. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. An Ecological Design Strategy should be required setting out how the site will be enhanced for biodiversity.

Revised comments

The proposed amendments will have no impact on the conclusions and proposed mitigation presented in the Preliminary Ecological Appraisal (The Ecology Consultancy, 31/01/18). I therefore have no additional comments to those provided previously.

5.7 Economic Development: Support

City Regeneration supports this application with due reference to any subsequent comments made by the Planning Policy team.

This site was identified as an employment-led development as part of a strategic allocation (DA5.c.2) in the City Plan Part 1 however the initial offer for commercial office space B1(a), fell short of the required minimum of 15,000 sq. m. Through pre-submission negotiations, this development will now slightly exceed the minimum requirement through delivery of 15,091 sq. m (GIA) of high quality office floorspace (as stated in Part 1 of the Design and Access Statement) which is in short supply in the city and having an impact on potential for inward investment.

A further 990 sq. m (GIA) of ancillary space will also be delivered to accommodate Use Class flexible retail A1/A3 and non-institutional D1 facilities. The development was also expected to deliver a minimum of 65 residential units of mixed size and tenure, which would make a significant contribution to the city's challenging housing needs. The application, supported by the Design and Access Statement, proposes to deliver 168 dwellings.

Due to the size of the development, there will be a requirement for an Employment and Training Strategy linked to the site. This document is required to be submitted for approval at least 1 month prior to commencement and the requirement will be included in any S106 agreement. Also with reference to the

Planning Authority's Technical Guidance for Developer Contributions, a sum of £20,821 should be paid prior to commencement, again to be included in any S106 agreement.

5.8 Environmental Health: No objection

The standards applied, methodology used and calculations made in the noise assessment are recognised techniques in predicting noise levels and the impact of them. When considering the recommendations of the assessment, if implemented correctly, the measures proposed should be achieving appropriate levels of soundproofing. Therefore, if appropriate conditions are applied to any permission to develop, I have no reason to refuse the application with regards to the potential for noise.

I have no reason to disagree with conclusions and the recommendations of the contaminated land study. An appropriate condition should ensure that if there are any unexpected findings encountered during the construction process, that works cease and a formal risk assessment by professional and competent individuals takes place to guide further action.

The proposal is a significant development and site activities could generate large amounts of noise, dust and vibration. A Health Impact Assessment has been submitted as part of the application which states "In order to control the impacts of construction noise and vibration the mitigation proposals within the CEMP would be followed."

The Construction and Environmental Management Plan (CEMP) should include reference to BS5228 Code of practice for noise and vibration control on construction and open sites and a commitment to an application for a Section 61 agreement for noisy working hours. Construction Traffic Management Plan (CTMP) should be required in order to manage highway safety during the construction phase and to mitigate against potential conflict between construction traffic and other road users.

All of the above can also be secured by means of an appropriately worded planning condition. If the permission to develop the land is granted, I would recommend applying the following conditions related to:

- Soundproofing of Building
- Soundproofing of Residential Units
- Hours of operation
- Plant Noise
- Potentially contaminated land
- External lighting
- CEMP

5.9 Heritage: Approve with suggested conditions

Initial comments

The general footprint of the proposed scheme is considered to be appropriate in both heritage and urban design terms, given the post-war widening of Edward Street and the major redevelopment in the area. The reinstatement of Mighell Street, as a pedestrian priority route, and the reinstatement of a strong built edge to Edward Street are very welcome. The detailed approach to the public

realm and private open space within the site is also welcomed but there is a missed opportunity to link the new street and square to the existing Peace Park to create a sense of continuous public open space and green route.

The height and massing of the proposed scheme does not raise heritage concerns in the majority of the verified views submitted. In the case of the views from Dorset Gardens and the Peace Park it is considered that the proposed scheme would positively enhance these views, creating a greater sense of enclosure and providing a visual focus to views northwards. In terms of design, the elevations of the residential building in these views would have a vertical emphasis, to appropriately reflect the proportions of the historic buildings in Dorset Gardens. In these views and in the views from Edward Street the elevations would achieve a suitable sense of light and shadow. However, the design of the residential elevations requires further refinement to mitigate the buildings' bulk and to avoid elevations that are unduly repetitious. Horizontal elements, for example, could have a more slender, lightweight feel. The commercial blocks would have a particularly vertical emphasis and a very welcome hierarchy of floors; the design quality of these is welcomed. The palette of materials would contribute positively to the quality of the elevations and provide a clear distinction of uses with legible entrances. However, the large area of blank cladding to the west elevation of Block F, which allows for potential future redevelopment of the job centre building, would present an unattractive feature in views up Edward Street, as well as in longer views from the west; more thought needs to be given to the material, detailing and finish of this elevation, especially at upper level.

The most sensitive viewpoints are those from the Pavilion Gardens. Despite a positive reduction in height and massing during the pre-application process, concerns remain regarding the proximity of the new development to the northern dome and minarets of the Royal Pavilion in View 4 from the Gardens, particularly in winter. In this respect the proposed development largely repeats the visual encroachment of the now-demolished Amex building. It is Block C (the central commercial block) that is the element that causes the visual intrusion and specifically the top floor circulation/service core and plant room; reducing this block by a further storey in height would eliminate the harmful impact. The historic park and garden is experienced as a comparatively enclosed area surrounded by historic buildings and although the wider city intrudes on the skyline looking east, this view is still very much dominated by the Royal Pavilion itself and its highly distinctive silhouette. At the same time the gardens themselves provide the green and picturesque setting to the Royal Pavilion.

In conclusion, this is in many respects a positive proposal in the way that it would help to repair the fractured urban realm and urban grain of the area and create a positive sense of place and mix of uses, with good quality architecture and public realm and the enhancement of views from Dorset Gardens. The settings of the majority of the other heritage assets covered by the LVIA would be preserved. However, there would be very clear harm to the setting of the grade I listed Royal Pavilion and to the setting of the grade II registered Pavilion Gardens. These heritage assets are key components of the Valley Gardens

conservation area and therefore there would also be harm to the setting of this conservation area. This harm would be notable but would be less than substantial under the terms of the NPPF and paragraph 134 would therefore apply. In the case of the Royal Pavilion, which is a designated heritage asset of the highest significance, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local authority shall have special regard to the desirability of preserving a listed building or its setting when considering an application for Planning Permission. 'Preserving' means doing no harm. There is therefore a statutory presumption against granting permission for any development which would cause harm to a listed building or its setting. Where the identified harm is less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting. If positive amendments cannot be achieved refusal would therefore be recommended in this case, unless it is considered that the public benefits of the proposal are so great as to outweigh the harm.

Revised comments

The reduction in height of the central commercial block (Block C) by one storey is very welcome and has resolved the previous concern regarding the visual intrusiveness of the development in the key views from the Pavilion Gardens and in particular the proximity of the new development to the northern dome and minarets of the Royal Pavilion in View 4 from the gardens, especially in winter. The additional night time view images (showing the proposal before the height reduction) raise no additional heritage concerns. The slight increase in building footprint to compensate, with a reduction in the size of the open square, raises no concerns. It is now considered that, overall, the height, massing and footprint of the development would cause no harm to the identified heritage assets.

The design of the residential elevations has been significantly amended and it is considered that the revised elevations are much more successful in mitigating the buildings' scale and achieving an appropriate sense of vertical emphasis. As now proposed there would be greater visual interest and variation.

The proposed palette of materials would contribute positively to the quality of the elevations and provide a clear distinction of uses with legible entrances, subject to samples of materials by condition. The proposal for hit-and-miss brickwork to break up the large area of blank walling to the west elevation of Block F satisfactorily resolves the previous concern about the blankness of this elevation and, if designed and detailed appropriately, should offer an appropriate play of light and shadow effects in views up Edward Street, as well as in longer views from the west. This hit-and-miss brickwork could form the opportunity for a public art contribution. The amended treatment of the eastern end elevation of Block E is also welcomed. It would provide a far more articulated and 'designed' termination to building, would improve legibility and would enhance the view down Edward Street from the east.

With regard to the opportunity to link the new through street and square to the existing Dorset Gardens Peace Park, in order to create a sense of continuous public open space and green route, it is noted that the applicant has agreed to provide a S106 contribution to facilitate this link; this is welcomed.

In conclusion, this is considered to be a positive proposal in the way that it would help to repair the fractured urban realm and urban grain of the area and create a positive sense of place and mix of uses, with good quality architecture and public realm and the enhancement of views from Dorset Gardens. The settings of all the heritage assets covered by the LVIA would all be acceptably preserved and no harm to heritage assets or their settings has been identified.

5.10 Housing Strategy: Support

Initial Comments

This application is for 168 properties including 20% affordable which equates to 33 homes which are shown on the application form as 18 for Affordable Rent and 15 for Shared Ownership sale. This is lower than the policy position of 40% which would provide 67 homes (37 Affordable Rent and 30 as Shared Ownership).

The Affordable Housing Brief sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate (Shared Ownership sale) as a citywide objective. The Affordable Housing that is offered is 20% - 33 homes offered at the correct tenure split of 18 Affordable Rent and 15 Shared Ownership.

Within the affordable housing, 10% should be wheelchair accessible which would equate to 7 homes within the 40% affordable housing provision. The whole site should have 5% of wheelchair accessible homes (13 homes). Wheelchair units for shared ownership have previously proved difficult to sell, leading to their conversion to non-wheelchair units. The provision of the wheelchair accessible housing as rented units would be preferred. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. fully wheelchair accessible at time of first letting/ sale). The Planning Statement (6.3) for this scheme currently refers to units being wheelchair adaptable which would not be acceptable.

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. The size and types of the affordable properties are as follows:

7 x studio flats (21% of all units); 11 x 1 beds (33%); 6 x 2 beds (18%) and 9 x 3 beds (27%).

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.

Revised comments

The affordable housing mix has been altered to address previous Housing Strategy comments. More smaller units are proposed and the family housing and wheelchair units for rent are welcomed. The removal of studios for rent is also welcomed which can be difficult to let. The provision of affordable

wheelchair units for rent exceeds the policy requirement. The reduced on site provision has been justified by a viability report as per national policy guidelines and local policy.

5.11 Planning Policy: Approve with suggested conditions

Initial comments

The council is keen to see the successful redevelopment of this vacant site. The vision for the strategic allocation (DA5.c.2) in the City Plan Part 1 is for the employment-led redevelopment of the Edward Street Quarter to provide 15,000 - 20,000 sq. m of high quality B1(a) office floorspace and a minimum of 65 residential units with ancillary shops (A1) and cafes and restaurants (A3). The emphasis of the policy is for employment-led redevelopment to strengthen the city's economy; to meet the council's priorities regarding high quality job creation and to support the city's growth potential over the plan period.

The principle of a mixed use redevelopment of the site is supported by DA5.C.2 and the proposed 15, 0091 sq. m B1a office floorspace GIA is in accordance with the requirements of the policy and the Edward Street Planning Brief (2013).

As an edge of centre location (St James's Street District Centre) it is recommended that the case officer gives further consideration to the proposed flexible use classes proposed for the ground floor uses and consider through condition ensuring there are minimum and maximum floorspace figures for A1/ A3 uses to ensure active and lively spaces are created and maintained. Further clarity is sought on the proposed C3 element at the ground and lower ground floor and whether this is communal space for the residents or actual dwelling units.

The proposed housing mix for the scheme should be improved upon by the provision of more 2 and 3 bedroom properties in the overall mix to accord with CP19 and CP20 in the City Plan part 1. The applicant should also clarify the proportion of housing units which will be wheelchair accessible to accord with Policy HO13. The council will look for 5% overall of housing units and 10% of the affordable housing element to be wheelchair accessible housing (M4 (3)).

Policy CP20 Affordable Housing seeks to maximise affordable housing provision in light of the considerable affordable housing need in the city. The policy sets out the considerations (criteria i - iv) that the local planning authority will take into account should the scheme not comply with the policy requirements for up to 40% affordable housing provision (i.e 67 units). The submitted Financial Viability Assessment concludes that it would be unviable to provide 40% affordable housing on site and proposes a 20% provision. The Financial Viability Assessment, assumptions and conclusions should be subject to independent scrutiny by the District Valuer.

Policy CP16 sets out the open space requirements for new development. The applicant has indicated that the development provides 2,139sqm of public realm, 976sqm of communal amenity space and 895 sq. m of children's playspace. When this provision is checked against the policy ready reckoner it does not fully address the open space requirements of CP16 Open Space. It is

noted for example that a number of the proposed spaces have multi-functions for example the residents' amenity space or garden will provide 'private shared space, access to residential entrances and Children's play'. Where provision cannot be met in full on site then off-site contributions will be sought.

Whilst the applicant has outlined the approach to public realm and landscaping within the site and has indicated new street trees along Edward Street, the strategic allocation at part b) also requires the proposal to contribute towards improving the existing townscape and public realm, including public art, in the surrounding area including improvements to Dorset Gardens. This is also reflected in the guidance contained within the Edward Street Quarter Planning Brief. This has not been addressed by the applicant and further consideration should be given by the applicant to address the requirements of DA5.c.2b.

Revised comments

Flexible Uses at Ground Floor

Welcome the indication from the applicant that they are considering the proposed condition to ensure there are minimum and maximum floorspace figures for A1/ A3 uses to ensure active and lively spaces are created and maintained in order to comply with DA5.

It is noted that the amendments to the scheme have increased the amount of flexible B1, A1, A3, C3, and D1 floorspace to 1,000 sq. m GEA. It should be noted that City Plan Part 1 Policy CP4 Retail Provision requires applications for all new edge and out of centre retail development to address the tests set out in national policy and complete an impact assessment if the figure triggers the locally set threshold of 1,000 sq. m (net) floorspace or more. It would be helpful if the applicant can confirm that the net floorspace would not exceed the locally set threshold.

Welcome the clarification that the C3 floorspace proposed on the lower ground floor proposed as part of the flexible uses will be used as a communal residential area rather than a habitable dwelling unit. The case officer should consider whether this should be addressed through condition.

The case officer should also consider through condition the phasing of development. While it is understood that the applicant has assumed the scheme will be built out in entirety there may be some phasing of development and it therefore might be appropriate to ensure the office blocks should be completed prior to completion of the housing element of the scheme to ensure this key site will contribute to the overall supply of office floorspace in the city.

Affordable Housing Provision

A Financial Viability Appraisal has been undertaken by the applicant which has calculated that 20% is the maximum amount of affordable housing that can be provided on the site without making the development unviable. This equates to 33 units. The tenure mix of the affordable housing is 55% affordable rent and 45% shared ownership. This Appraisal has been independently verified by the District Valuer. The proposal therefore accords with Policy CP20 Affordable Housing.

Dwelling Mix

It is noted in the Planning Statement Addendum, that whilst the residential mix across the scheme remains unchanged at 168 units the affordable housing dwelling mix has been slightly amended to reduce the number of studio units and an increase in the number of 2 bed units within Block E to address comments from the Housing Strategy Team. This has had impact of reducing the number of 3 bed units proposed from 17 down to 11 units. Whilst the proportion of studio units are higher than the preferred mix set out in the Affordable Housing Brief (2016) the applicant has indicated these are offered as shared ownership and offer young professionals an opportunity to enter the housing market. On balance, subject to the comments of the Housing Strategy Team, it is considered the proposed dwelling mix for affordable housing would be acceptable.

Policy CP19 Dwelling Mix does indicate that the preferred dwelling mix for private housing will be guided by local assessments of local needs - set out in the supporting text. The proposed housing mix could be improved upon by a better provision of 2 and 3 bed properties in the overall housing mix.

Accessible Housing

To accord with Policy HO13 the council will look for 5% of housing units overall and 10% affordable housing element to be wheelchair accessible housing (M4(3)).

The applicant have indicated in the Planning Statement Addendum that 10% of the 33 affordable housing units will meet the required standards for 'accessible units' and 7% of the market units will be 'wheelchair accessible'. The amended 'Final Tenure Plans' indicate that there will be 7 units of market housing compliant with the 'optional requirement' M4(3) and 4 units of the affordable housing this is considered to comply with Policy HO13 of the retained Brighton & Hove Local Plan.

Open Space Provision

It is also noted that the applicant is offering a contribution to a potential green link between the site and Dorset Gardens to be secured through the S106 agreement to form part of the Highways contribution and an artistic element are proposed on the flank elevations of Blocks E and F to be secured through condition and this would help to address the requirements of DA5.C.2.b and CP16 Open Space.

5.12 Private Sector Housing: Comment

Initial comment

Many of the units have means of escape through living room/kitchen. Applicants have been contacted about this issue.

Revised comment

I would like to formally confirm that with the proposed blocks having sprinkler systems, our concerns at former Amex House under the 2004 Housing Act are satisfied.

5.13 Public Art: Comment

To make sure the requirements of local planning policy (CP5; CP7; CP13) are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. It is suggested that the Artistic Component element for this application is to the value of £195,000. The final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.

5.14 Public Health: Comment

Initial comments

Approval is recommended, on the condition that further information is provided regarding the following:

- The proportion of units fully wheel chair accessible at first sale
- Review of stated 6% (10 units) of the housing units which will be adaptable for wheelchair use against relevant standards
- Further details of pedestrian/cycle crossings & routes that will be provided within the development
- Further details regarding shelter, landscaping, street lighting or seating within the development
- Further detail regarding how the aims of the Health Weight Environments criteria will be reached.

Please also note that should any of the above conclusions not align with recommendations from the relevant department, their specialised assessment should take precedence.

Revised comments

The Planning Healthy Weights Environment document was written to reflect the PHE guidelines on the same topic. The PHE guidelines outline the main themes relevant for a health weights environment, as well as more detailed elements that would be desirable.

We are satisfied that they have addressed the main themes outlined in the PHE document, and have given detailed explanation of how they are responding to each of these themes.

5.15 Sustainable Drainage: No objection

The Lead Local Flood Authority (LLFA) recommends approval to the proposed development in principle subject to conditions. The applicant has supplied a Surface Water Drainage Strategy and SuDS maintenance plan for the proposed development, as requested at pre-application stage. The proposed drainage strategy details a 5% reduction in surface water discharging from the site, whilst Brighton and Hove City Council would expect a reduction of 30%, this reduction is acceptable due to the existing constraints of the site. Due to the mitigation proposed by the applicant, it is believed that if all the measures are taken forward, the 5% reduction would be a conservative estimate.

5.16 Sports Facilities Team: Comment

Although there does not seem to be any specific leisure use currently proposed for this site it is a substantial scheme including 168 dwellings. It would therefore

be important to secure appropriate S106 contributions to improve the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for local residents.

From the proposed allocation of residential dwellings the developer contribution we would be seeking is a contribution of £155,880. This comprises of £61,838 towards indoor sports and £94,042 towards outdoor sports.

The development is in the locality where the closest two indoor sports facilities are Prince Regent Swimming Complex and St Luke's Swimming Pool. A contribution would be used to increase the activity provision at one of these sites.

St Luke's Swimming Pool also has a small area of outdoor space that could potentially accommodate some small outdoor sports provision. In terms of other outdoor sports provision there could be opportunities within larger parks close to the area such as Queens Park or along the Seafront.

5.17 Transport : Comment

Initial comments

Cycle parking is to be provided in the basement, accessed from John Street via the ramp to the basement car park. The quantum proposed exceeds the minimum standards set out in SPD14, which is welcomed. One large store for long-stay cycle parking is proposed for all uses within the development, i.e. mixing residents' and office workers' cycle parking. Provided that appropriate access controls are applied, this is acceptable.

While there is some efficiency to be gained from the stand layout as currently proposed, these are unlikely to provide sufficient space without some redesign of the basement. Consequently these cycle parking matters should be addressed prior to determination of the application, rather than left to a condition.

Visitor cycle parking is proposed within the public realm at ground floor level. While some stands seem to be indicated on the General Arrangement plan, the quantum falls considerably short of the standard. Full details of the proposed visitor cycle parking should be provided in order that its adequacy can be assessed.

An existing layby on Edward Street accommodates a cycle hire docking station and other cycle parking. As noted below, it is proposed that this is used for servicing. However, given the popularity of the existing docking station (and likelihood that the redevelopment proposal will add to demand) an alternative and expanded site on the highway would need to be provided by the applicant in the immediate vicinity, at their cost and secured through a section 278 agreement.

The TA does not contain a full assessment of the provision of cycling infrastructure despite this being included in the TA scope and advice given at pre-app stage.

To encourage and support walking to and from the site, a full audit of the pedestrian environment on walking routes in the surrounding area should be secured and funding sought to rectify deficiencies. If this additional information and funding is not provided in advance of determination then the Highway Authority would wish to secure the further assessments by condition.

The development provides a route through the site from Edward Street to Mighell Street. Access to the public at any time should be secured through a walkways agreement under Section 35 of the Highways Act 1980 (within a Section 106 agreement). The new route from Mighell Street slopes to the south and consists of a series of ramps (gradient typically shallower than 1:20) and landings. Whilst the landing lengths are not dimensioned they appear likely to conform to the British Standard. Nevertheless, this should be clarified prior to the determination with details of levels secured by later condition. Measures to prevent such activities as skateboarding and BMX riding should be secured by condition within an appropriate management plan.

The nearby bus stops on Edward Street provide good bus access to the development. All services on Edward Street serve the westbound bus stop, giving a combined frequency of 30 buses per hour in the weekday peak periods. However, only two services stop at the eastbound bus stop giving only 4 buses per hour combined frequency. As demand for this latter stop will be increased by the proposed development, it is recommended that the developer engages with the bus operator(s) involved to seek their service of this stop such as the stopping of all buses at the eastbound stop.

No shelters or real-time bus arrival information are provided at nearby bus stops, and it is therefore recommended that funding for their provision should be sought through the Section 106 agreement.

Servicing of the residential and office element of the development is to be undertaken from the basement. Two servicing bays are provided, and the analysis in the TA indicates that this will be sufficient. However the servicing estimates seem to be very low given the low-car nature. Since it may affect the design of the basement, it is recommended that a full and thorough assessment of servicing is provided before determination of the application.

The trip generation for both residential and office sites seems to rely on a very low number of comparator sites within the TRICS database. However, the trip rates are broadly comparable to those produced by a less-selective approach and so should be considered acceptable.

Mode split is largely acceptable, although census percentages of car trips are likely to transfer (due to the low-car nature of the development) to cycling, taxi/private hire and bus rather than walking. Taxi movements are likely to be significantly under-estimated given the date of the census. In order to demonstrate that demand for kerbside space for taxi activity is accommodated and that associated vehicle movements will not create safety and/or congestion issues, additional information should be provided before determination.

The Framework Travel Plan indicates that separate residential and workplace travel plans will be developed at a later date. These should be secured by condition, requiring submission to and approval by the City Council prior to first occupation.

Funding for sustainable transport initiatives should be secured through the standard formula.

There are elements of design which must be resolved before determination of the application, specifically:

- The layout of long-stay cycle parking and type of stands provided
- The provision of short-stay cycle parking
- The relocation and expansion of the cycle hire docking station and other cycle parking from the Edward Street layby to another highway location in the immediate vicinity
- A formal assessment of the pedestrian and cycling environment around and on routes leading to the development.
- The provision for servicing of the development, including the use of the Edward St layby and measures to prevent and/or manage kerb-side deliveries to residential elements.
- The provision of taxi access to the development.
- The means by which all-hours public access between Mighell Street and Edward Street will be provided.
- The extent of areas of existing footway on Edwards St and John St that will be resurfaced.
- Further details of the design of the vehicle access from John Street to safeguard road safety.

On the assumption that these issues can be resolved satisfactorily, the Council acting as Highway and Traffic Authority would not wish to prevent the consent of the application, subject to conditions.

Revised comments

Further details of the cycle parking including visitor parking and the re-location and expansion of the Bike share provision have been satisfactorily addressed. The repurposing of the existing Edward St layby as a servicing delivery bay and the assessment of servicing and vehicle access agreed. Further information has been provided to justify the low level of servicing anticipated for the residential element. On this basis, the two internal servicing bays (with one waiting area) plus on-street servicing (in the Edward Street layby and from Mighell Street for the flexible element of the development) must be accepted as sufficient. A servicing and delivery plan should still be secured by a proposed condition, to include monitoring to ensure that the intended methods of servicing are followed in order to minimise the impact on existing residents and other users of the area.

The Highway Authority would not wish to obstruct the approval of this application subject to the conditions and obligations set out in our comments of 30 May and amended as appropriate in the light of the above comments and with specific amendment (underlined) to the following proposed condition.

Transport (Habitat Regulations)

This comment covers only a review of the assessment of the traffic implications of the proposed development that have been used for input into the separate assessment under the 2017 Habitat Regulations of the impact on various European habitat sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

The analysis of traffic appears to be sufficiently robust to demonstrate the level of traffic impact on the areas of interest.

5.18 Sustainability Adviser: No objection

An Energy Strategy and Sustainability Statement have been submitted with the application. This sets out how the scheme will address Policy CP8 Sustainable Buildings. The Energy Strategy sets out the design targets to meet and exceed Policy CP8 standards. The residential floor space is predicted to achieve a 48% carbon reduction improvement (this exceeds the 19% improvement required through local policy. The non-residential floor space is predicted to achieve a 22 % carbon improvement over the baseline building and to achieve a BREEAM "Excellent" rating for both the office and retail elements of the scheme. These targets comply and improve on policy CP8 minimum standards for residential and non-residential development.

In line with Policy CP8, commitment is given that residential units will achieve the maximum water consumption of 110 L/person/day. In the non- residential elements of the scheme, water efficiency measures include; water meter/s for monitoring and leakage avoidance; leak detection systems; flow control devices.

The proposals address policy CP8 well and have considered all aspects of the policy.

Under City Plan Part One Policy DA5 Eastern Road and Edward Street, Local Priority 10 requires capacity for future connection to heat networks. The Energy Strategy commits to make provision to connect to future heat networks facilitated through provision of a plate heat exchanger interface within the plant room. This complies with the DA policy and should be conditioned.

Approval is recommended with the following conditions:

- Energy and water efficiency standards for residential development
- BREEAM excellent for retail development
- BREEAM excellent for office development
- Energy plant to provide, capacity for future connection to heat networks (see below)

5.19 Wind and Micro Climate: Comment

Initial comment

The level of detail of the wind tunnel model is appropriate, and the model was tested using a suitable approaching wind simulation. The siting and number of measurement locations are appropriate, and the wind mitigation devices have been modelled properly.

The wind conditions have been analysed using the LDDC variant of the Lawson wind comfort and safety criteria which is now generally agreed to be an appropriate approach in the UK.

A seasonal approach has been used by the applicants to assess Outdoor Seating (summer only) and Recreational Spaces (Spring through Autumn). These activities should be assessed for all year around. The other pedestrian activities ("Entrances, waiting areas, shop fronts, Leisure Thoroughfare/Strolling and Pedestrian Transit/Thoroughfare (A-B)") have all been assessed for all seasons.

The wind conditions across the proposed site and the surroundings appear to be higher than expected. One explanation for this behaviour is the data presented and the wind conditions assessed using this new data. If the wind conditions are worse than the safety assessments given in the applicant's report will be conservative. Although the wind conditions would be safer than those presented, it cannot be assumed that the pedestrian comfort will be better. This is because the applicant's used a seasonal approach, which is non-conservative. This is a particular concern for all of the Outdoor Seating areas, where the applicants have assessed only the summer wind conditions.

Revised comment

The wind assessment comments that the revised plans are not expected to impart significant material changes to the wind conditions assessed. The BRE agree with this opinion. The applicants have now examined the wind microclimate using a worst-case seasonal approach to include winter. As I understand it, for this particular scheme, it is a BHCC requirement that some locations around the proposed scheme are to be used for a specific pedestrian activity throughout the year. In this situation, it is obviously important that the worst-case season is considered by the applicant. For some areas (e.g. amenity spaces), if the wind conditions are such that they prevent usage at times throughout the year, this can be a material consideration. Additional areas of discomfort were identified between 1, John Street and proposed Block A and on rooftop terraces following worst case scenario (winter) testing. The areas identified as unsuitable are for 91-94% of the time or on average 3 days a month in winter.

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

DA5 Eastern Road and Edward Street Area

SA6 Sustainable neighbourhoods

CP1 Housing Delivery

CP2 Sustainable Economic Development

CP3 Employment Land

CP4 Retail Provision

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing Density

CP15 Heritage

CP16 Open space

CP17 Sports provision

CP18 Healthy City

CP19 Housing Mix

CP20 Affordable Housing

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

TR4 Travel plans

TR7 Safe Development

TR14 Cycle access and parking

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

SU11 Polluted land and buildings

QD5 Design - street frontages

QD15 Landscape design

QD16 Trees and hedgerows

QD18 Species protection

QD25 External lighting

QD27 Protection of amenity

HO19 New community facilities

SR5 Town and district shopping centres

SR12 Large Use Class A3 (food and drink) venues and Use Class A4 pubs

and clubs)

NC4 Sites of Nature Conservation importance (SNCIs) and Regionally Important Geological Sites

HE3 Development affecting the setting of a listed building.

HE6 Development within or affecting the setting of conservation areas.

HE11 Historic parks and gardens

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

SPD14 Parking

Edward Street Quarter Planning Brief September 2013

Developer Contributions Technical Guidance

8. **CONSIDERATIONS AND ASSESSMENT**

8.1 The main considerations under this development are the principle of the development of a mixed scheme of B1a) offices and residential units together with a flexible mix of retail, small business units and/or potentially Class D1 community uses. The quantum of affordable housing provision proposed has been assessed against a Viability Assessment submitted with the application. The density, building heights and design and appearance of the development together with the layout of open space and landscaping within the development have been assessed. The wider impacts of the proposals on the townscape and the impact on heritage assets within the city is also a key consideration. Key amenity and sustainability characteristics have also been assessed including daylight/sunlight and potential noise impacts, neighbour impacts, sustainability issues including transport impacts, microclimate, air quality and ecology.

8.2 Principle of development

The application is within the Policy DA5 (Eastern Road and Edward Street) strategic development area and is part of a larger site allocation which includes the adjacent Job Centre identified as the Edward Street Quarter (ESQ). The allocation seeks 15,000 - 20,000 sq. m of B1 a) office floorspace as well as a minimum of 65 residential units with ancillary shops and cafes. A high quality design is sought which would enhance the public realm in this location including public art and improvements to Dorset Gardens as well as sustainable transport improvements. The policy anticipated a development brief for the site which was produced in 2013 (Edward Street Quarter). The brief covered a wider area including John Street Police Station, the Law Courts and Dorset Gardens.

8.3 It is important to note that the residential requirement is stated as a minimum and not a maximum. A number of objections have referred to the numbers quoted objecting to the larger numbers of residential units proposed to support their belief that this proposal would result in an overdevelopment of the site. Considerations of what would be an acceptable number of units should take account of impacts on the townscape, streetscene and neighbouring buildings which is considered later.

- 8.4 The site is considered to be primarily an employment site since its location in proximity to other key employment sites and buildings lends itself to that use. There is recognition that the area is mixed in character and that a residential element would also enable a viable scheme to come forward to regenerate this site and area.
- 8.5 The brief includes an indicative site layout for accommodating the quantum of development and the scheme has generally followed the guidance on site layout and land uses. The office buildings are located on John Street and Edward Street with the residential blocks on the eastern half facing White Street dwellings. The brief illustrates buildings that are all, by policy definition, 'Tall buildings' being 6 storeys and above. The brief also shows retail and commercial ground floor uses which should have active frontages around the site as well as some small business units. The quantum of retail illustrated in the brief is significantly more extensive than proposed, mindful of objectors concerns about impacts on the nearby St James' Street District Centre. The amount of retail proposed, being less than 1000 sq. m. Gross Internal floorspace would not require a Retail Impact Assessment which would probably have been the case if the brief had been followed. The proposals also include space for small business units in Blocks E and F which are sought in the brief.
- 8.6 A group of local residents have submitted an alternative neighbourhood plan which it is considered would be meet all of the City Plan requirements. The Local Planning Authority is required to determine the development proposal in front of it. Notwithstanding, the resident plan has no indication of floorspace or residential units but it appears that the plan would not provide the minimum commercial floorspace required by the City Plan and would not comply with the adopted Development Brief which was subject to wide public consultation.
- 8.7 A Financial Viability Appraisal has been undertaken by the applicant that has calculated that 20% is the maximum amount of affordable housing that can be provided on the site without making the development unviable. This equates to 33 affordable housing units which are proposed. The tenure mix of the affordable housing is 55% affordable rent and 45% shared ownership. This Appraisal has been independently verified by the District Valuer with S106 contributions totalling £941,727. The proposal therefore accords with Policy CP20 Affordable Housing and paragraph 173 of the NPPF which requires local planning authorities ensure that development viability is not threatened by the scale of obligations and policy burdens.
A Statement of Common Ground between the applicants and the District Valuer has been placed on the Planning Register as a public document.
- 8.8 Design, access and appearance
The proposed development has a modern design but reflects some of the historical proportions and elements in the facades from the more historical development in the locality particularly in the East Cliff Conservation Area. All of the buildings proposed except Block B would be brick clad.

- 8.9 Block A (offices) at 6 storeys is appropriately scaled and would step down from the taller no. 1, John Street which itself has layers of height stepping down from 9 storeys. John Street features large scale single use non-residential developments. The window proportions are tall and narrow to emphasise verticality but reduce in size at top floor echoing classical facades in the city. The windows would have deep reveals with contrasting materials and a change in material colours in the centre column to all floors announces the ground floor main entrance. The vertical emphasis on this building was sought by officers and is welcomed as the west elevation would be visible in key longer views. The amended plans propose increasing the depth of the building by a metre to the rear into the courtyard as part of reducing the height of Block C by a storey.
- 8.10 Block B would only be visible from within the scheme or the Public right of way and at 3 storeys would not be prominent. It would be clad in contrasting bronze coloured metallic curtain wall system to Blocks A and C and it serves to link those two buildings and define the public square as well as providing access into it from the north. It would have a smaller scale to avoid an overbearing impact on the Public right of way which has 4 short flights of steps up from John Street and would allow more natural light into Blocks A and C but it would also act as buffer for the public square when the wind is coming from a northerly direction. Amended plans for Block B would increase its depth by 1.5m into the courtyard also to compensate for the loss of a storey on Block C which is acceptable.
- 8.11 Block C mimics Block A in appearance as the prime large scale commercial office uses on the site. Site analysis and officer advice was to focus taller elements of the scheme in the centre of the site to minimise neighbour impacts and require less massing on John Street whilst still achieving policy land use compliance. This building has however undergone the most significant amendments following submission. Concerns of officers, heritage interests and many objectors about its impact in longer views from the Royal Pavilion Gardens and from across Valley Gardens, coupled with concerns about the appearance of its blank upper facades due to the siting of roof plant have led to design amendments. The top floor has been removed and the internal layout amended so that plant has been relocated to the east side of the building where views are less sensitive and the topography limits those long views. This also would allow more glazing on the west elevation and avoid blank facades. The depth of the building has been increased by 1 metre into the public courtyard. It is considered that the scale and appearance of the commercial elements of this proposal are appropriate and of high quality appearance with the use of modelling, façade treatments and materials and would meet the expectations of the site allocation, the development brief and conforms with design policies in particular CP12 of the Brighton and Hove City Plan Part One.
- 8.12 Block D is the largest of the residential blocks. The elevational treatment of the residential blocks contrasts with the commercial buildings but would still feature primarily brick but in darker tones and colours. The building has a clear break in the façade by recessing the core in the centre and the building steps down a storey to 6 storeys to follow the site contours. Further modelling of the façade by using recessed balconies and window reveals, contrasting materials and strong

parapet lines is considered would provide a design and appearance to the development of high quality. Whilst the scale has been criticised by objectors in respect of its relationship with White Street properties, this scale of built form was anticipated in the Edward Street Quarter brief that has been referred to by objectors as having been departed from. Block D should be compared with the scale of the demolished Amex House which at 9 storeys once dominated the domestic scale of White Street without providing the visual relief in the massing that the proposed development would using visual and spatial breaks such as the re-introduction of Mighell Street and the public and private amenity space integrated into the scheme as the development brief required. Block D steps down in height towards the front of the site down the slope of the hill. A number of objectors have stated that the development does not step down the hill but the drawings show that there would be a stepping down. The core has been relocated towards the rear of the building to improve the linkage between the ground floor non-residential uses.

- 8.13 Block E would reduce in scale and height towards the south east corner to reflect the more domestic scale of the established urban form in the residential streets east of the site. Rather than a contrived gradual stepping down which goes against the topography where Edward Street drops down to the west, a strong 6 storey section forms part of the south entry point into Mighell Street and then drops to 4 storeys. This is considered to be an appropriate response to the scale and form of the location and adjoining properties. Whilst the Development brief anticipated infilling the corner, the proposals have left it open as it is now, primarily to enable light into the scheme. The Regional Design Panel's concerns over leaving an open space with no sense of ownership has been addressed by creating an entrance into Block E which is articulated through the architecture as requested by officers and not relying solely on public art for example. The east elevations have been enhanced by providing more articulation to them and creating a stronger corner piece to this prominent part of the development. Landscaping and siting of cycle stands will help to provide activity here.
- 8.14 Block F is one of the tallest elements and its south frontage needs to be sensitive to the impact on Dorset Gardens and the setting of the Conservation area. Objectors have commented upon how bringing the building line of this larger building forward would result in an over dominant appearance and could create a canyon effect in the streetscene. That is a valid concern with tall buildings fronting the highway and public realm. Edward Street, as described in the development brief, currently provides a poor urban environment with a wide dual carriageway creating a physical barrier and has a disparate group of visually disconnected buildings which needs to be connected by good quality public realm that appears to be cared for with well-connected pedestrian links. Whilst the former AMEX office had a large area of amenity space, it was poorly defined and facing onto a busy road.
- 8.15 The east and particularly the west elevation of Block F were a cause for concern in the Edward Street streetscene and the longer views from Royal Pavilion Gardens. The west elevation has been amended by introducing a 'hit and miss' brick design which provides variety in the elevational treatment that could be seen from distance and would provide light and shade. The east elevation would

be more coordinated in respect of the windows layout and parapet lines and relationship with other blocks, principally D and E, in the scheme. These changes have now addressed the original objections of the Heritage Officer who has no objections now and would be a welcome response to public comments and officer concerns that the elevational treatment was not of sufficient quality and lacked imagination.

8.16 Landscaping

A Landscape masterplan has been submitted with the proposals which would include the three main landscaped areas as well as the site frontages and roof tops. The area enclosed by Blocks A, B and C would have a 'Games Garden' theme, with tree planting and a series of shallow steps and shallow meandering ramps interspersed with planting. There would be places for recreation such as table tennis, boules etc and for relaxation and socialising for use primarily by office workers or the public overlooked by a retail/café use. The undercroft to Block B would be a raised event space or stage with folding doors to close off the thoroughfare at night. Ground treatment throughout would be hard surfaced or binding gravel with understorey planting.

8.17 Mighell Street and the events area would feature series of shallow terraces with central tree planting. This would be a public street through the site and the paving would continue the granite paving matching the existing northern stretch and self-binding gravel. Steel retaining edges would define the terraces and planting areas and timber topped benches providing seating.

8.18 The third main area would be the residents' communal garden behind Block D which would provide play space comprising some traditional play structures and sand whilst the lower (southern) end would feature woodland themes, slides and stepping stones. Materials would be granulated rubber surfaced play paths, raised planted embankments with trees and understorey planting. Ground floor residents would have direct access to the play area.

8.19 New tree planting would be provided on the Edward Street frontage in front of Blocks E and F whilst tree planting, a circular bench and a rain garden and climbing plants would feature at the Edward Street/White Street corner fronting Block E.

8.20 On the roof tops, biodiversity roofs would be provided on every block. Whilst Blocks C - F would have roof gardens amenity space as well as raised beds and a raised lawn area.

8.21 Soft landscaping would feature pine and birch trees in the 'Games Garden' with ferns and winter flowering bulbs on the steep banks. Mighell Street and the residents' garden areas would feature low level planting chosen to retain their colour throughout most of the year. Upper resident garden areas would have a maritime planting theme and the lower end would feature more ever green planting.

8.22 Townscape/ Visual Impact Analysis

A series of viewpoints of the proposed development to be tested were agreed with the applicants prior to submission of the application and modelling of height and massing were tested against these views. A Heritage, Townscape and Visual Impact Assessment was submitted with the application. Some the viewpoints were considered to be very sensitive especially the view from Royal Pavilion Gardens (View nos. 3 - 4) in summer and winter and Dorset Gardens (View nos. 1 - 2) thus verified views have been prepared. For less sensitive views, the applicants have submitted wirelines or non-verified views for very long views or with limited heritage impacts such as the view from Queens Road across Valley Gardens facing looking east.

- 8.23 Concerns have been expressed by the Heritage Officer, the Regional Design Panel and amenity societies (but notably not Historic England) about the impact on the most sensitive views described above. During consideration of the application, officers maintained the opinion that despite previous reductions, the height of Block C would have a harmful impact on the setting of the Royal Pavilion particularly from the south side of the gardens (View no. 4) where the blocks would coalesce with the minarets of the Royal Pavilion. Following the reduction in height of Block C when viewed from the footpath in View no.4, the impact would become minor in winter and negligible in summer.
- 8.24 In View no. 3 (café) there was less of an issue of coalescence but the blank facades on Blocks C and F were harmful to the skyline and the setting of the Royal Pavilion contrary to policy CP15 of the Brighton and Hove City Plan Part 1. In View 3 the gap between 1, John Street and The Royal Pavilion is dominated by a pair of mid-20th century brick and concrete towers (Tyson Place and St John's Mount) in the Carlton Hill neighbourhood. The original elevations displayed unfortunate echoes of this vernacular. The re-modelling of these west facing elevations by switching top floor roof plant to the east side of buildings and providing a patterned façade to Block F using 'hit and miss' brickwork would provide a dappled or light and shade effect to the façade. The revised elevations are a significant improvement from those originally submitted and would have the benefit of obscuring the existing tower blocks.
- 8.25 As requested by Historic England, the applicants have submitted a nighttime view from the Royal Pavilion Gardens and Historic England has been re-consulted. No further comments have been received however the Heritage Officer has no concerns about this nighttime impact of the lighting. Nevertheless, the case officer has sought confirmation from the applicants that the offices would be fitted with motion sensor lighting (as referred to in the Sustainability and Energy Assessment) to mitigate the impacts of lighting after dark in the interests of visual amenity, energy saving and the amenity of nearby residents. This would comply with policies CP8 and CP20 of the Brighton and Hove City Plan and QD27 of the Brighton and Hove Local Plan.
- 8.26 The Heritage Officer considers that in views from Dorset Gardens, the scheme would positively enhance the setting by creating a better sense of enclosure and providing a visual focus to the north. The residential elevations were considered to require further refinement to mitigate their bulk and avoid repetitious elevations. Some of these concerns had been addressed by reducing the width

of the frontage of Block F and the height was reduced prior to submission but it is considered that the amendments to the elevations now address the previous concerns. The strong parapet line would be aligned horizontally with the parapet lines of buildings in Dorset Gardens in this view. The impact on the setting of the East Cliff Conservation Area would be positive as well.

It is considered that the revised proposals would now address those outstanding concerns about the impacts on the setting of heritage assets primarily The Royal Pavilion and Dorset Gardens. It is considered that in respect of design and heritage interests, the proposals would accord with policy CP12 of the Brighton and Hove City Plan Part One and policies HE3, HE6 and HE11 of the Brighton and Hove Local Plan and are acceptable.

8.27 Impact on amenity (Privacy/Noise/Lighting)

A noise assessment was submitted with the application and has been reviewed by the Environmental Health Officer. The report covered measures to meet recommended standards for protecting residents/users from noise sources including plant noise. It is considered that appropriate soundproofing if implemented correctly could achieve acceptable standards. It has been recommended that conditions governing soundproofing of buildings and residential units are applied. The two larger ground floor units which could be retail/café uses under A1/A3 are located in the middle of the site at the base of Block C (B1 offices) and at the north end of Block D (residential) fronting Mighell Street (as extended) and opposite the Block C offices. It is recommended that the commercial units be restricted from trading except between 0700 - 2300 hours including Sundays and Bank Holidays. It is also recommended that the use of any outdoor seating areas within the demise of the A1/A3 Class commercial units are restricted to 0900 - 2100 hours every day including Sundays and Bank Holidays.

8.28 The submitted landscaping scheme includes an indicative lighting strategy which covers the public and private amenity areas including Mighell Street. The purpose of the lighting would be to provide a welcoming environment after dark and contribute to a safe and secure public realm. Consideration has been given to minimise light pollution to neighbouring properties. LED lighting which is wildlife friendly would be used. A lighting condition would be applied to ensure that all lighting meets the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Obtrusive Light GN01".

Whilst it was adjudged by Historic England and the Heritage Officer that the night time views of the development from the Royal Pavilion would not have a harmful impact on the setting of the Royal Pavilion. However the images do illustrate that after dark the development would add to the nighttime glow on this elevated location. Lighting of tall buildings in the city particularly on higher ground is an amenity issue both in terms of background settings and residential amenity. Historically when the former American Express building was sited here, the Council's Environmental Protection team received complaints about office lights being left on late or all night shining into residents' dwellings. The new office building at 1, John Street was required to have Motion Sensor Lighting (MSL) installed to avoid unused space being unnecessarily lit up after dark. It can also be seen lit up after dark in key views across the city. The upper floors of the tower blocks on Preston Barracks are required to install MSL in the

student accommodation communal areas and corridors for visual amenity reasons. Block C of this proposal, in particular, would be sited at close proximity to new residential dwellings and could create amenity issues due to intrusive lighting. It is to be welcomed that the applicants have committed to install this type of lighting into the office blocks proposed which will mitigate the impact of lighting on visual and amenity impacts.

- 8.29 Privacy - Issues of privacy have been raised by residents of White Street in particular concerned about the relationship between Block D and the backs of their dwellings. The building line of blocks D and E have been sited on the same building line of the former AMEX House such that in terms of proximity there would be no change in the relationship for mid-terrace dwellings. The separating distance would be 17m from the blocks to the nearest windows in the outriggers of the terraced dwellings and at least 20 metres to their main windows. This is considered to be an acceptable separating distance in a high density urban environment. It should be noted that the front windows of White Street dwellings face each other across the street with a separation of only 13.8m which is not untypical in a Victorian streetscene. On the higher floors (above 2nd floor) of Blocks D the flats would have an outlook over the roofs of White Street dwellings and any potential aspect downwards would be quite oblique. Some residents of White Street have referred to the former offices on this site having obscured glass to protect privacy. The material considerations are different in the case of proposed residential units. Windows to offices would have been occupied by staff all day as an employment use (and in the case of American Express 24 hours a day). Rooms in residential flats are more intermittently used and mainly in evenings thus mitigating any perceived loss of privacy. It would not however be acceptable for the proposed residential units to have obscured glazing to habitable rooms.
- 8.30 Block D has some east facing balconies which are recessed thus maintaining the 20 metre separation from neighbouring properties. The recessed balconies would also restrict the outlook of the occupants. The windows to the residential elevations would be full depth to floor levels thus it is not considered that the balconies would result in unacceptable loss of privacy impacts where the balcony railings would be 1.1 metre in height with an ornate vertical railing design which would obscure outlook from a seated position.
- 8.31 The other area where privacy could be an issue is at the lower end of the extended Mighell Street where flats in Blocks E and F would face each other across the new street with a separating distance of 14 metres. This would also be not untypical of high density urban living and the new residents' privacy would be an existing circumstance from first occupation.
- 8.32 Daylight/sunlight
The application is accompanied by a Daylight/Sunlight Assessment which has looked at existing neighbouring properties and the proposed development focussed on the residential units and amenity space on and around the site. The assessment has followed the Building Research Establishment (BRE) Guidelines. The assessment has been considered against a baseline of the site prior to demolition of the former AMEX House which was completed at the end

of 2017. Whilst some residents have stated that the assessment should be based upon the current empty site, it should be borne in mind that had there not been a requirement under the S106 agreement for the new American Express office to demolish the old office within 6 years of planning consent being granted, this application would be considering the redevelopment of the site and a building which had stood for 40 years on the site.

- 8.33 The daylight assessment has considered the potential impacts on residential properties on both east and west sides of White Street. The dwellings on the west side (odd numbers) are two storey fronting White Street but with a lower ground floor at the back with small rear gardens enclosed by boundary walls. Some of these properties would experience a positive or negative change which would be negligible or significant. Rooms at the rear are generally kitchens or dining rooms or in some cases through lounge/diners with bedrooms and bathrooms above. Other properties which have been assessed are No. 154 Edward Street, opposite the site to the south, which is a large former office building now in educational use as the University of Brighton. The daylight assessment also considered 33/34 Mighell Street to the north and 1 Dorset Gardens, a residential property opposite the site to the south with flank windows facing the site.
- 8.34 The current proposal has its east flank sited on the same building line as the east building line of the former AMEX House which was built directly opposite nos. 7 - 27 (odd) White Street. AMEX House also had a two storey annexe building sited closer and almost abutting the rear garden walls of nos. 11 - 19 White Street. Block D which is part 7 and 6 storeys would face the rear of White Street dwellings. Nos. 1 and 3 White Street at the lower end and Nos 29 and 31 did not face directly onto AMEX House. However nos. 29 and 31 are now enclosed by the new data building of 1, John Street. As a further comparison, AMEX House was 9 storeys in height and had a datum level of 61.3m at its highest point. The proposed Block D would have a datum level between 52.3 m and 49.7m, an equivalent of 3-4 storeys lower. Opposite nos. 1 and 3 White Street, Block D is at 4 storeys. To the south, Block E would be 4 storeys in height enclosing the proposed rear amenity gardens. The proposed Block D would therefore be at least 8.5 m lower (or 3 storeys) than AMEX House and no closer to dwellings opposite. At the lower end of the site, the comparison would be 4 storeys noting that AMEX House sat on a podium and did not step down the hill as the current proposal would and which objectors have called for.
- 8.35 As a consequence of the lower height of Block D, the daylight assessment results measured by Vertical Sky Component (VSC) show that the daylight levels to rear windows at no. 7 and nos. 11-31 would be marginally enhanced compared to when AMEX House was in situ. No. 9 would have a marginal loss of daylight but well within acceptable BRE guidelines.
- 8.36 There are 3 dwellings (nos. 1- 5) where the loss of daylight would be beyond BRE guidelines for 8 out of their 12 windows at the rear. However the actual resultant daylight levels for these 3 dwellings are comparable with a number of dwellings in the rest of the terrace. The daylight impacts have been mitigated by modifications of the design and massing by reducing part of Block D to 4 storeys

part and by not infilling the south east corner of Block E. It is considered therefore that taking a balanced view of daylight impacts for most properties that the overall impact on daylight levels in the terrace would be acceptable.

- 8.37 Internal daylight levels to the proposed residential units have been assessed and nearly 93% of habitable rooms would meet the BRE guidance. Including a small proportion of rooms that would achieve a fraction of 1% below the guidance, the overall pass rate would rise to 96.5%. This pass rate has improved following the revisions to the scheme and is considered to be a high pass rate for a high density urban development. It reflects how the site layout, the arrangement of flats and the internal layout of each dwelling has been carefully considered to maximise daylight levels and provide good quality accommodation in terms of amenity.
- 8.38 The assessment has analysed the amount of sunlight received on the ground in neighbouring dwellings and compared that with the predicted amounts. The BRE guidelines recommend that there should be 2 hours of sunlight per day on 21st March. The rear gardens on White Street face a north west direction. Currently only 7 dwellings on White Street (west) meet the guidance and only on 25% of the whole garden area. The dwellings at the lower end of White Street not directly facing AMEX House also did not previously meet the guidance at baseline level. For example, none of the rear garden of No 5 received 2 hours of sunlight on 21st March. The impact of the proposals on sunlight levels to rear gardens against BRE guidance would be no change for most of these dwellings. Nos 1 and 3, White Street would lose less than 20% of coverage of the garden area that did receive 2 hours of sunlight on 21st March. It is not considered therefore that the proposals would cause demonstrable harm in respect of sunlight to existing outdoor areas.
- 8.39 The transient overshadowing levels to the proposed outside ground areas within the new development has been assessed also. There are three main areas, two of which are public and one private amenity space to the residential blocks. Neighbouring dwellings were also assessed at 21st March, 21st June and 21st December. In March there was found to be some additional shadowing on nos. 1 - 7 (odd) White Street from noon to 3pm and on nos.1-3 in summer. For the majority in this terrace, there would be no change since their own garden walls would still cause the first shadows of the late afternoon. Shadows caused by the development itself would appear later in the day compared to when AMEX House was in situ. In December the overshadowing to rear gardens would be unchanged due to the lower height of the sun in the sky.
- 8.40 The newly created public amenity areas including the extension to Mighell Street would receive over 3 - 4 hours of sunlight on March 21st exceeding the BRE guidelines.
- 8.41 Microclimate/Wind Impacts
The Wind Impact Assessment has been reviewed by the BRE. The revised submission of the analysis of the wind impacts has also considered the worst case scenarios ie winter for the activities would still take place outdoors particularly in this City such as café seating, proposed landscaped amenity

space both public and private within the scheme and around the site and the newly created pedestrian walking routes. The assessment has also considered data from two locations now (Shoreham and Thorney Island) in response to concern that Shoreham data could overestimate wind impacts and hence discomfort levels. The applicants have stated that the proposed mitigation as tested has eradicated exceedances of safety criteria. The BRE have expressed concerns about discomfort and not safety but are concerned about the times when there would still be discomfort in certain locations for up to an additional 2-4 days a month in winter for the activities identified. The applicants have stated that where this would occur in existing locations around the site itself, the occurrences would be marginally less than occur now.

8.42 The location with the biggest impact would be the existing bus stop on Edward Street in front of Block E. The applicants have offered to agree to a condition, re-testing the impacts post development and in the case of the bus stop, provision of a bus shelter would be the obvious mitigation. The other two locations off site where there could be a marginal deterioration are on John Street and the applicants suggest that street tree planting could help mitigate this impact and similarly for on-site locations, more planting and screening could achieve the requirement for long term sitting in winter. This is considered to be an acceptable solution but it is considered that the bus shelter should be provided based upon the submitted assessment. This provision would not be taken from the proposed Transport financial contribution in respect of a shelter itself.

8.43 Sustainable drainage

The site is in Flood Zone 1 which is defined by the Environment Agency as having a less than 1:1000 annual probability of river or sea flooding. Policy CP11 requires developments to provide appropriate sustainable drainage systems (SUDS) in order to avoid any increase in flood risk and to ideally reduce flood risk. The site currently provides negligible sustainable drainage systems. The land surrounding the former AMEX House was entirely hard surfaced with a handful of trees on site which are still present in the south east corner. The site is underlain by South Downs chalk and is therefore unsuitable for the implementation of infiltration techniques. The intention is also to retain the existing basement slab for the car and cycle parking, servicing, plant and residential storage.

8.44 The applicants have however proposed a variety of SUDS features including extensive green roofs (as outlined above) and permeable paving as sought at pre-application stage. The applicants were advised to achieve betterment from the current situation which the scheme would achieve. The Flood Risk Manager has noted that the reduction in run-off is constraints of the site. Attenuation would be provided by green roofs and cellular podium storage which holds water until it can be released more evenly. Tree pits would also be used for new tree planting proposed. The Flood Risk Manager has recommended approval to the proposals subject to conditions. A detailed strategy and maintenance plan would be required to ensure that the SUDS would operate effectively which could be covered by conditions. It is considered that the proposals would comply with policy CP11 and would be acceptable.

8.45 Sustainable transport

The proposed development has addressed key elements of the Council's transport policies. The number of parking spaces provided within the development is constrained by the site and it is proposed to occupy the previous basement parking area that existed on site underneath AMEX House. It is considered that 54 spaces would be acceptable including 11 disabled parking bays. The number of parking spaces would be below the maximum that would be permitted on site and therefore complies with SDP14 and this is supported by the Transport Manager. The site is in a central location with high public transport accessibility and is surrounded by Controlled Parking Zones. 10% of parking spaces would be suitable for electric vehicles in accordance with SPD14 and the applicants have now agreed to provide 100% of the remaining spaces with passive provision ready to be converted in the future which exceeds the 10% policy requirement. The Transport Officer has recommended a condition restricting access to resident parking permits for new resident occupiers of the development. A condition would require a car parking management plan governing allocations of parking spaces to residents.

8.46 Cycle parking for occupants and employees of the development would be provided in the basement. The provision has been amended since submission to provide a greater proportion (50%) of Sheffield Stands with the remainder as two-tier stacking type. The numbers of cycle spaces would be policy compliant but has reduced from the original to improve the type of provision and space standards. Residential and workplace cycle storage would have separate provision. Visitor cycle parking has also been proposed at street level and within the site and contributions towards the city's 'Bikeshare' scheme would be secured.

8.47 One other concern has been the servicing and delivery provision on site. The Transport Manager considers that estimates of such trips may be conservative and has sought a bond of £40,000 to cover additional on street servicing provision around the site that may be necessary following monitoring of the occupied development.

8.48 The front of the site on Edward Street itself has an old bus stop inset which is now used to provide cycle parking and 'bike share' bikes. The amended application proposed to extend this but officers have raised concerns about the impact on the width of the resultant footway where the applicants land extends outwards and the ability to successfully plant street trees. Officers' preference would be for the bike share spaces to be re-located onto John Street closer to the office entrance. Details would need to be agreed by condition and under the S278 highway works. The lay-by is recommended for small scale loading and deliveries by the Transport Manager with the basement used for large scale deliveries/refuse/recycling collection as proposed. The latter has been agreed with Cityclean prior to submission where vehicles would be able to turn around and exit in a forward gear. The Transport Officer has requested a Servicing and Delivery Management Plan to be provided as a condition of any planning permission.

- 8.49 The applicants would be required to provide additional contributions towards sustainable transport measures as set out in the Heads of Terms and the Transport Manager have identified potential measures prioritising those measures suggested in the Development Brief as well as Travel Plan measures. These could include an informal crossing point between the site and the nearest westbound bus stop to the east of the site. Improved cycle access south of the site to St James' Street and the seafront as well as pedestrian improvements to streets in the vicinity of the site to include improved pedestrian routes and access to Dorset Gardens and into the Peace Gardens themselves. Upgrades to nearby bus stops such as Real Time Indicators and bus shelters could be sought.
- 8.50 The Transport team has recommended a condition requiring a full cycling and pedestrian infrastructure survey to be carried out within the vicinity of the site to assess where enhancements should be provided.
- 8.51 Pedestrian access through the site and in the area would be enhanced and improved by the extension of Mighell Street re-introducing a historic road that was lost linking Carlton Hill with Edward Street and south onto St James' Street. This was a key requirement of the Development Brief following stage 1 of the re-introduction at the time of the development of 1, John Street. A link would also be established from Edward Street to John Street through the site during the daytime and early evenings secured by a Walkways agreement. Access would be secured by a walkways agreement as part of a S106 agreement. It is considered that the proposals would benefit the regeneration of the locality and reinstate public access through this site that once existed historically and would comply with policies TR7 of the Local Plan and CP13 of the City Plan Part One.
- 8.52 Air Quality
The Council's Air Quality Officer considers that in combination with cumulative increase in traffic, negligible impacts to roadside pollution are predicted for Edward Street, Eastern Road and for Valley Gardens including adjacent with Grand Parade. At this time nitrogen dioxide concentrations are compliant along the section of Edward Street bounding the proposed development land. Positive aspects of the proposal also include the fact that there would be no major combustion plant on site. There would be a policy compliant provision of cycle parking on site and relatively modest amount of car parking on site which would discourage car ownership/trips by the occupants. The applicant's agreement to provide 100% readiness for electric vehicle charging on site is welcomed. The Air Quality Officer seeks to minimise construction traffic routes through the AQMA as part of the Construction and Environmental Management Plan (CEMP). The Air Quality Officer has recommended approval subject to conditions.
- 8.53 A local resident has raised a concern about the proximity of proposed north facing residential units in Block D to the generator within the existing American Express data building on Mighell Street to the north of the site. The generator is required to be tested regularly. An assessment into potential impacts on new occupiers by the applicant into the frequency, nature and length of testing have

been submitted to the Planning Authority and reviewed by the Air Quality Officer.

8.54 Block D is 7 storeys and the north facing windows serve two flats per floor and would have secondary windows to the living/dining rooms where the main windows face east or west. The data building is the equivalent of 4 storeys in height and the chimney duct is on the south side of the roof with a lateral separating distance of 6 metres. Due to land levels the chimney would extract above the fourth floor of Block D. The fifth floor flats would have the same layout as floors below but the top floor is a single flat with an east-west aspect and no north facing windows but would have a covered roof outdoor terrace with a mainly west facing aspect.

8.55 The Air Quality Officer considers that the information submitted in respect of the Data building and the relationship with the new development is thorough and it has been demonstrated there would be no significant impacts from testing the chimney on the nearest new residents and any discharges would present a negligible contribution when compared to the national air quality strategy limits. The increased proposed electric vehicle ready spaces to 100% are welcomed by the Air Quality Officer. It is welcomed that the development does not propose major combustion plant on site with emissions to air or deliveries of biomass. The proposals would be acceptable in terms of impact on air quality and would meet policy SU9 of the Brighton and Hove Local Plan.

8.56 Ecology

The site currently has very little ecological value as it comprises a large excavated site down to the previous concrete basement car park. Along the eastern edge is a strip with some small introduced shrub and four trees of limited value in the south east corner. The Council's Ecologist thinks that it is unlikely that the site supports protected species. In contrast, the landscaping and sustainable design measures proposed would introduce a significant enhancement of the site's potential to support ecology including wildlife. The private amenity space would include a planted terrace with grasses and trees of a coastal nature and the lower gardens with more woodland and orchard themed planting with under planting and fruit trees. Tree planting is also proposed on Mighell Street and shrub planting. The Games garden would have birch trees, for example and fern planting on embankments. In total 128 trees are proposed for planting across the site. Every roof would have biodiversity roofs. It is considered that the ecological value of the site would be significantly enhanced and the proposals would comply with policy CP10 of the City Plan.

8.57 Arboriculture

An objection was initially expressed by the Council's Arboriculturalist about the loss of some street trees particularly at the corner of Edward Street and White Street (adjacent to No.1, White Street) and the reduction in proposed street tree planting under the revised plans. The loss of less significant species at the front is not opposed. The key concern is to identify a strong planting and landscaping strategy. This has prompted the rejection of the extended lay-by on Edward Street. The applicants have investigated the possibility of retaining the large species of sycamores adjacent to No. 1, White Street but have stated that due

to the gradients required and the need to provide wheelchair ramped access into Block E and an enhanced landscape area, retention of these trees is not possible. Instead the applicants are proposing new tree planting. Whilst there are 128 trees proposed to be planted as part of a landscape scheme, due to site constraints such as the basement, the Arboriculturalist does not consider that any of them could achieve the growth of those to be removed. Whilst it would appear to be difficult to retain all of the trees on this corner it would be dependent on the final design of the level changes and access arrangements involved. These details have yet to be finalised and therefore, it is proposed that a condition be imposed requiring a more detailed study and layout be submitted with the objective of securing level or ramped access into Block E whilst retaining as many trees as possible.

8.58 The potential to plant trees partly on highway land has also been investigated but unfortunately due to existing underground services on the public highway identified following a survey, this would not be possible given the narrow stretch of footway in private ownership. Tree planting on the site frontage would be limited to the land within the applicant's ownership which would have an insufficient width to accommodate significant tree planting in the Council Arboriculturalist's opinion. The loss of these trees is regrettable but replacements will be sought in nearby spaces in the Council's ownership such as the John Street frontage and other areas of green space close to the site to mitigate the loss of mature street trees.

8.59 Sustainability

The proposals have adopted 3 principles which are minimising energy demand, an electric led development with resilience to climate change and maximising low and zero carbon technologies. The residential floorspace is predicted to achieve a 48% improvement in carbon emissions exceeding the policy requirement of 19%. The non-residential buildings are predicted to achieve a 22% improvement and thus the scheme would achieve a BREEAM rating of 'Excellent'. Passive design strategies have been incorporated with shading, orientation and glazing percentage taken account of. Rainwater and grey water would be incorporated into the water systems and photovoltaics are maximised on the non-residential roof tops. A commitment is given to achieving a consumption of 110 litres per person per day. The applicants are targeting 76% credits in the energy and water sections of BREEAM assessment and 89% for water which would exceed the 60% target for non-residential. The site would be future proofed to allow connection to a future district heat network. The proposed offices would have mixed mode ventilation utilising sea breeze for natural ventilation, presence detection system for lighting and communal air source heat pumps would be installed for the residential units and B1 offices.

8.60 The proposed development would incorporate a sustainability strategy which would go towards meeting and exceeding the Council's policies in the City Plan in particular CP8. The Council's sustainability adviser has confirmed that the proposals meet the policy well and recommends approval subject to conditions.

8.61 Habitats Regulations Assessment and Impact on Ashdown Forest SAC

Given the scale and nature of the application proposal, it has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for potential in-combination impacts on the Natura 2000 (European) sites. Following a High Court judgment in March 2017 in response to a challenge by Wealden District Council to the Lewes District Joint Core Strategy, there is particular concern about the potential cumulative impact of air pollution resulting from increased traffic movements on the Ashdown Forest SAC.

To adequately assess the potential impacts, the applicant has submitted a Habitats Regulations Assessment: Shadow Screening Report (HRA) together with a Traffic Implications Review (TIR). A TIR takes into account the Annual Average Daily Traffic (AADT) generated by a proposal. If the results of the HRA screening are that the effect of a proposal in combination with other development on a Special Area of Conservation is likely to have significant effects, then appropriate assessment is required which evaluates the potential significant effects. This may lead to a need to identify mitigation measures.

The applicant's Traffic Implications Review and Habitats Regulations Assessment: Shadow Screening Report concludes that the uplift in traffic and the resulting impact on the Ashdown Forest generated by this proposal, would not be consequential enough to warrant an assessment which takes into account the effects of the proposal in combination with other development.

Taking account of the characteristics of other European sites within a 20km radius of the application site, it is considered that there is no potential for significant in-combination effects resulting from the application proposal. Therefore no detailed HRA screening for other European sites is considered necessary.

9. **EQUALITIES**

- 9.1 The proposed development would meet all of the Council's policies and standards in respect of accessible homes, compliance with legislation in the commercial floorspace and access across the whole site and provision of disabled parking spaces.

10. **S106 AGREEMENT**

- 10.1 In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing at a tenure split of 55% social/affordable rent and 45% Intermediate (shared ownership) contrary to policy CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance, notwithstanding that the applicant's own Financial Viability Appraisal demonstrated that the scheme could viably provide 20% (33) affordable units as verified by the District Valuer Service.
 2. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies DA5, CP7 and CP9 of

the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

3. The proposed development fails to provide access for the public to the extension to Mighell Street between Edwards Street and Mighell Street as well as the 'Games garden' area linking Edward Street with John Street contrary to policies CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One.
4. The proposed development fails to provide a Framework Travel Plan to provide sustainable transport measures and incentives for the occupants of the proposed development contrary to policies TR4 of the Brighton and Hove Local Plan and DA5, CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a S278 Agreement to provide essential highway works around the frontage of the site and the relocation of existing cycle parking that would be displaced by the development proposed contrary to policies CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policies CP2 and CP7 of the Brighton & Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide an Employment and Training Strategy targeting a minimum of 20% local employment for the construction phase of the proposed development contrary to policies CP2 and CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policies DA5 and CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
9. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies DA5, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
10. The proposed development fails to provide a financial contribution towards commissioned art on site or within the immediate vicinity of the site contrary to policies CP5 and CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

11. The proposed development fails to provide a Construction Environmental Management Plan (CEMP) to be implemented during the construction period contrary to policies SU9 and SU10 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
12. The proposed development fails to provide a Review Mechanism of Viability to ensure that any uplift in profit on Gross Development Value would be spent on further contributions towards affordable housing on or off site up to a maximum of 40% contrary to policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
13. The proposed development fails to provide a Phasing Plan to ensure that essential elements of the scheme are provided and in a timely manner and to comply with policies CP1, CP3 and DA5 of the Brighton & Hove City Plan Part One.

COUNCILLOR REPRESENTATION

BH2018/00340 Former Amex House Edward Street Brighton
Councillors: Karen Barford and Councillor Daniel Chapman

With regards to the above planning application, we appreciate all the work the developers have put in to communicating with us as local Councillors and the efforts shown to engage with people who live in the area, however, due to a number of residents approaching us and raising a significant number of concerns over the planning application to develop the former American Express site, we would like to raise an objection to the application in its current form. We would like to do so for the following reasons:

- The initial proposals for the redevelopment of the site have substantially changed since the 2013 consultation document and the Edward Street Quarter Planning Brief.
- The process and time frame that the public has to comment on the proposals has been confusing with different materials giving different dates and deadlines. We are concerned that this has restricted or prevented some residents from sending in their comments to the planning department.
- We are concerned there will be a negative impact the on residents in the vicinity of the proposed development, especially those in White Street who's health and well-being will suffer as a result of the height and close proximity of the proposed development to their homes. We understand that no one has the right to a view, however we are concerned that this development would significantly reduce the number of sunlight hours these homes receive, would overshadow these properties and would intrude on their day to day life.
- The new development will not 'slope down' towards Edward Street and will alter the appearance of the area significantly, compared with the former American Express building which was set back and down from the road.

We would also ask that the planning department refer to and consider residents' more detailed responses to the planning application, which help better understand some of the background to the concerns raised above. We would also request that the development does designate at least 40% of the residential properties as affordable homes. We would also ask that if there are to be some properties available under shared ownership that these are offered to local residents in the first instance. We acknowledge that the city is in need of more housing and that the former American Express site needs to be redeveloped as soon as possible, however this must be done with consideration to existing and future residents.

ITEM B

**Preston Barracks, Mithras House, Watts
Building, Lewes Road, Brighton**

BH2018/00689

DATE OF COMMITTEE: 18th July 2018



Scale: 1:3,224

<u>No:</u>	BH2018/00689	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Preston Barracks, Mithras House, Watt Building Lewes Road Brighton BN2 4GL		
<u>Proposal:</u>	Reserved matters application pursuant to outline permission BH2017/00492 for approval of layout, scale and appearance relating to the University's proposed multi-storey car park and access road, forming defined site parcels 3 and 4 respectively.		
<u>Officer:</u>	Sarah Collins	<u>Valid Date:</u>	05.03.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.06.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	NTR Planning Ltd Clareville House 26-27 Oxendon Street London SW1Y 4EL		
<u>Applicant:</u>	The University Of Brighton & Cathedral (Preston Barracks)Ltd University Of Brighton Mithras House Lewes Road Brighton BN2 4AT		

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 APPROVE** reserved matters subject to a deed of variation to the S106 agreement relating to application BH2017/00492 to remove reference to the 'cycle route' from the obligation (schedule 1 para 16) for a Walkways Agreement and the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	309-L01	D	5 March 2018
Site Layout Plan	6442-STRIPE-WP-XX-DR-AX-91130	P3	5 March 2018
Site Layout Plan	309-L03	K	28 June 2018
Site Layout Plan	TM309SKD62	B	28 June 2018
Sections Proposed	TM309LS04	F	28 June 2018
Sections Proposed	TM309LS05	G	28 June 2018
Sections Proposed	309-LS10	A	5 June 2018
Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30001	P4	15 May 2018

Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30002	P3	15 May 2018
Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30003	P3	15 May 2018
Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30004	P3	15 May 2018
Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30005	P3	15 May 2018
Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30006	P3	15 May 2018
Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30007	P3	15 May 2018
Roof Plan Proposed	6442-STRIPE-WP-XX-DR-AR-30008	P2	5 March 2018
Elevations Proposed	6442-STRIPE-WP-XX-DR-AX-36502	P2	5 March 2018

2. No development above floor slab level shall take place until a scheme is submitted to and approved in writing by the Local Planning Authority for works to create a signed, publically accessible cycle route in the vicinity of the alignment shown in plan no. TM309 SKD62 Revision B, providing for continuous mounted cycling between:

- a) the multi storey car park and associated cycle hub; and
- b) the northern boundary of the University of Brighton Cockcroft site and its junction with Queensdown School Road via land not forming part of the public highway but including land hatched blue on approved Walkways Plan (drwg: SEW ZZ-ZZ-DR-A-501013 Rev 05) under application ref: BH2017/00492 or any additional or revised walkways plan subsequently agreed. Use of the multi storey car park is not permitted until the approved enhancements to the route have been fully implemented in accordance with the approved details, unless otherwise providing for within the approved route phasing. Thereafter the route shall be retained with access provided to the public at all times.

The details to be submitted and approved shall include the following:

- Details of all hard and soft surfacing, including type position, design, dimensions, materials, levels and gradients
- Details of signage and road markings and any proposed access restrictions or management measures
- Details for the phasing of construction and implementation of the route which, notwithstanding any further improvements to follow in any later phases and temporary alignments in any before the last, shall implement and make available for use the signed publically accessible route for mounted cycling between the destinations at completion of the first phase and before commencement of use of the multi-storey car park.
- An explanatory design statement including locations pedestrian and vehicle entrances/exits to buildings along the route, anticipated pedestrian and vehicle flows and points of congregation in different locations and an equality impact assessment explaining how the proposals comply with the Equality Act 2010 and providing an objective justification for any adverse impacts of the scheme on people with protected characteristics under the Act.

Reason: To ensure that convenient, attractive and publically accessible cycle facilities are provided between the multi storey car parks cycle hub and Moulsecoomb Station and to comply with policies DA3 and CP9 of the Brighton and Hove City Plan Part One.

2. Prior to first use of the multi storey car park, a delivery and service management plan covering that building and any such activities within surrounding external spaces between it and the Business School/Academic Building and Watts Building shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of the types of vehicles, how and where deliveries will take place including any arrangements to transfer materials for collection/drop off from other parts of the Watts campus, where materials will be stored before/after collection/drop-off, and the management and coordination of delivery and service movements. The latter shall include details of steps to manage vehicle movements through any spaces shared with pedestrians and/or cyclists (including to prevent obstructions to passage and access to buildings), prevent unintended access by other vehicles to such spaces, and control access into and out of the multi storey car park when delivery vehicles are waiting or collecting in the vicinity of its entrances and exits including via physical barriers if necessary. A student move-in plan shall also be included which shall detail arrangements to preserve safety for all users and prevent congestion on the Access Road and public highway in the vicinity.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton and Hove Local Plan.

3. No vehicular movements (excluding those by pedal cyclists) or any loading or unloading of vehicles shall take place within the external spaces between the multi storey car park, Business School/Academic building and Watts building between the hours of 08:00 and 10:00; 12:30 and 14:00, and 16:30 and 18:30 hours on Mondays to Fridays. Exceptions will be made in the case of a special occasion or event for which loading and unloading necessary for the event shall be permitted between these hours on no more than one occasion per calendar month.

Reason: To safeguard access and safety for pedestrians, cyclists and other road users and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

4. Prior to any development above slab level, details of all doors and entrances, to the multi storey car park, including dimensioned plans and elevations, method of opening, method of securing, and levels at thresholds, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard access and safety for pedestrians, cyclists and other road users and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

5. Development shall not take place until plans providing details of internal floor surface levels and gradients, and going/riser dimensions for staircases, have been submitted to and approved in writing by Council.

Reason: To ensure the car park provides inclusive access for pedestrians of all abilities and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

6. Prior to any development above floor slab a scheme for the storage of refuse and recycling shall have 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 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.

7. Notwithstanding the submitted plans, the multi-storey car park hereby permitted shall not commence use until further details of cycle parking facilities (including allocations) have been submitted to and approved in writing by the Local Planning Authority in accordance with condition 33 of BH2017/00492 (as amended by BH2018/00492).

Reason: To ensure that satisfactory facilities for the parking of cycle are provided and to encourage travel by means other than private motor vehicles and to comply with policies TR14 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD 14 Parking Standards.

8. Notwithstanding the submitted plans, the multi-storey car park hereby permitted shall not commence use until further details of parking spaces equipped with electric vehicle charging points, including allocations, have been submitted to and approved in writing by the Local Planning Authority in accordance with conditions 37 and 39 of BH2017/00492.

Reason: To encourage travel by sustainable modes of transport, to mitigate the impacts of the development on air quality and to implement measures to reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP5 of the Brighton and Hove City Plan Part One and SPD 14 Parking Standards.

9. Prior to occupation of the Business School details of the provision of photovoltaics on the roofs of that building shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

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.

10. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles and chalk grassland within the Brighton University Site of Nature Conservation Importance and the Watts Bank (i.e. within the proposed extension to the Local Wildlife Site) has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) purpose and objectives of the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

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

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to comply with policies NC4 of the Brighton and Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11 Nature and Conservation and Development.

11. Prior to first occupation of the Multi Storey Car Park, detailed plans of the raised walkway alongside the Watts Bank SNCI shall be submitted to and approved in writing by the Local Planning Authority. The walkway shall be constructed within 12 months of the final approved of details to the satisfaction of the Local Planning Authority.

Reason: In order to provide satisfactory pedestrian links from adjoining land to the Watts Campus and across the Campus and to protect the ecology of the adjoining Watts Bank Site of Nature Conservation Importance and the visual amenity of the area and to comply with policies NC4 and TR7 of the Brighton and Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11 Nature and Conservation and Development.

12. Prior to construction above slab level, details of the green walls to the Multi Storey Car Park hereby approved shall be submitted to and approved in writing by the Local Planning Authority in accordance with the submitted documentation to include details of the type, species and amount of planting together with a maintenance plan including irrigation methods. The green walls shall be implemented to the satisfaction of the Local Planning Authority during the first planting season following occupation of the Multi Storey Car Park. Any planting which within a period of 5 years from the completion of the development die, are removed, fails or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of ecological enhancement and the satisfactory appearance of the development, the streetscene and the wider townscape and to comply with policies QD15 and QD27 of the Brighton and Hove Local Plan and CP8, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD11 Nature Conservation and Development.

Informatives:

1. A sloped path between Saunders Park View and the Access Road spans the application boundary for this application and the neighbouring Block J landscape parcel outside of this. The approve proposals in this application will

require reciprocal changes to landscaping of the Block J parcel. These should ensure that a ramped path connecting the two destinations is retained. If necessary this should pass through the proposed foraging area. The path design should ideally be inclusive of all and provide reasonable passing width but, as a minimum, should seek to provide widths, gradients and surfaces suitable for use by ambulant pedestrians - including preferably those with pushchairs and/or luggage.

2. The parking management plan for the multi storey car park required by condition 36 of BH2017/00492 (as amended by BH2018/00636) should include details for the management of the cycle hub.
3. The details of circulation, signage and markings for the multi storey car park that are required by condition 37 of BH2017/00492 should include a pedestrian way finding strategy for the interior of the car park.
4. Proposals as conditions 42 and 59 of the BH2017/00492 to provide pedestrian access towards Moulsecomb Station should seek to provide a dedicated, kerb-separate footway to the University's existing internal service road. As it is understood that there will no longer be vehicle access to the western flank of the Watts building, they should also look to redesign the service road stub leading to this so as to be for pedestrians and cyclists only.
5. It is expected that all pedestrian doors to the MSCP will be power assisted for the benefit of less ambulant pedestrians and the convenience of cyclists.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The Watts site forms part of the wider Masterplan site known as Momentum Lewes Road, which consists of four land parcels:
 - 1) The former Preston Barracks Site;
 - 2) The University of Brighton Mithras House car park;
 - 3) The University of Brighton Watts Building car park (the 'Watts site'), and
 - 4) The Lewes Road
- 2.3 The masterplan site area covers 5.32 hectares, and the Watts site lies north of the Preston Barracks site on the west side of Lewes Road. The site currently consists of a University car parking area which provides approximately 276 spaces and serves the adjacent 8 storey Watt Building and the 10 storey Cockcroft building amongst other academic buildings to the north of the site. The site extends up to the 'Watts Bank' Site of Nature Conservation Importance (SNCI) to the west. At the western edge of the car park is the Watts Annex building, a modular temporary building accommodating academic support services. The site lies approximately 300 metres walking distance from the Watts car park to Moulsecomb railway station to the north.
- 2.4 This application seeks approval of the Reserved Matters (condition 4) of the Outline consent (BH2017/00492 as amended by non-material amendment BH2018/00636) for parcels 3 and 4 of the Watts site (multi-storey car park and access road respectively):
 - (i) Layout;

- (ii) Scale;
- (iii) Appearance.

- 2.5 The outline consent established the parameters of the footprint and height of the multi-storey car park (MSCP), and the position and layout of the access into the site (up to the western edge of the Business School Square). The layout of the landscaping was also approved through the outline consent. However, this Reserved Matters application seeks to make minor changes to the layout of the landscaping within parcel 4, in order to accommodate the proposed changes to the road layout beyond Business School Square. The details of the landscaping, including the areas labelled on the plans as 'details to be determined' and the remaining external areas within parcel 4, are required to be submitted through condition 59 of the original consent under BH2017/00492, which requires large scale plans and details of the hard and soft landscaping design and materials.
- 2.6 This application seeks approval for the layout of the access road beyond Business School Square, in summary, as follows:
- The access road would terminate south of the MSCP to provide vehicular access into and out of the MSCP and to provide access for refuse collection and deliveries.
 - A footpath link is proposed through the SNCI, to provide pedestrian access from Saunders Park View to the south, to the existing service road to the north. This would be in form of a raised walkway and would be DDA compliant.
- 2.7 The MSCP would remain within the size parameters of the outline approval, but would be repositioned 1.5 metres closer to the SNCI and 1.5 metres further from the Business School/Academic Building.
- 2.8 The MSCP proposed would provide 545 no. car parking spaces, including 17 no. disabled spaces (including 2 electric vehicle charging spaces) and total 55 no. electric vehicle charging spaces. The planning addendum proposes that 55 no. additional electric vehicle charging spaces could be provided within the car park (passive spaces) near to the 55 active EVC spaces or near to vertical risers to maximise efficiency, through the provision of suitable risers, ducting and openings for future cable runs. An indication of the location of these spaces is provided on plans within the planning addendum.
- 2.9 The MSCP proposed also includes 330 no. cycle parking spaces and 30 no. motorcycle spaces and shower and changing facilities. Two lifts are proposed to all levels of the MSCP, one at the southern end and one at the northern end. Pedestrian entrances are located adjacent to these lift access points.
- 2.10 External Appearance
The proposed facade consists of perforated (laser-cut) metal panels with a powder-coated or anodised finish. There are five variants of the panel with progressively greater levels of perforation, and six colours (2 pale greys, 3 shades of green and 1 gold). The facade has been designed to ensure that the MSCP decks can be naturally ventilated, avoiding the need for mechanical ventilation and therefore reducing the energy demand of the building. Some ground floor spaces including the changing area, office and bin store will require

mechanical ventilation due to their functions and thermal performance requirements.

- 2.11 The panels are arranged so that the overall tone of the facade lightens as the height of the building increases, in order to reduce the perceived mass and volume and soften the building against the green backdrop of the SNCI and bank. The gold colour (Imar 'Oro' anodised finish) is used at ground level and on the south-eastern corner to highlight the primary core and building entrances. The gold finish references the tone and texture used on forthcoming and existing academic buildings nearby.
- 2.12 The south-eastern corner of the car park is emphasised through the recessed corner, continuation of horizontal bands as an open frame, and gold anodised panels in order to highlight the location of the main pedestrian entrance and to reference the architectural language of the existing and forthcoming context. Green wall has been omitted in this small zone due to the lack of suitable zones for planting at ground level (hard landscaping is necessary given high footfall).
- 2.13 The perforations are randomised over the facades at the upper levels, with the most-perforated 'mesh' type panel used at ground level to enclose the bicycle stores and overclad areas of solid wall. The building also employs a Green Wall system to provide additional greenery and soften its appearance in the context of the SNCI. It is intended that this shall consist of a cable system with automatically irrigated and fertilised planters at ground level and roof level to support climbing/trailing plants including ivy. Details of the green wall are provided in the 'Viridian Landscape Studio Green Wall Specification' document.
- 2.14 Extent of green wall: The south and east elevations have been identified as suitable locations for the installation of a green wall system. The north elevation is not considered to be a suitable growing location given the lack of sunlight. The west elevation also has limited sunlight, but more critically, is unable to facilitate safe access for maintenance of green wall plants and system given the sloping, uneven ground conditions and sensitivity of the SNCI. Options for a level maintenance route along the western elevation were considered during design development, but were discarded due to concerns over increased impact and damage to the existing landscape. It is considered that minimising the impact on the sensitive ecology of the Bank outweighs any potential gains from the provision of a green wall on this elevation, particularly given that there are doubts over the suitability of this location for successful planting.
Maintenance: the intention is that the south, east and northern elevations are accessible from ground level via a Mobile Elevating Work Platform (MEWP) for cleaning and maintenance, including replacement or repair of panels if necessary. Due to the sloping ground of the bank at the rear of the building, the west elevation cannot be accessed via MEWP and provision should therefore be made for panels on this elevation to be demountable from inside the building.

3. RELEVANT HISTORY

BH2018/00636

Non Material Amendment to BH2017/00492 to revise extent of Parcel 3 (Multi Storey Car Park) and Parcel 4 (Access Road). Approved 26.03.2018

BH2017/00492

(Full application) Preston Barracks Parcel: 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, 264sq.m workshop space (B1), 301sq.m flexible commercial space (A1/A3/B1), 334sq.m retail space (A1/A3), 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) 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 student services including students union and welfare facilities (Sui Gen), 898 sq. m 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.

(Outline Application) Watts Parcel: Removal of existing Watts House temporary building and erection of a 6 storey (D1) Academic Building for a Business School of 6,400 sq. m of floorspace, linked canopy and provision of 551 space multi storey car park to the rear (maximum 8 storeys) with associated ancillary development, including provision of cycle parking, access and servicing road, public realm and landscaping improvements.

Approved 22.12.2017

Pre-application

The proposals for the Watts Reserved Matters (including the Business School/Academic Building) were submitted through the pre-application service. The Officers' response provided on 1st February 2018 can be summarised as follows:

- The greater separation distance between the MSCP and the Academic Building was welcomed as it would be likely to have a positive effect on the environment and greater planting opportunities between the buildings.
- The relocation of the MSCP 1.5m closer to the SNCI could have a detrimental overshadowing effect which would need to be assessed for the application submission.
- The removal of the access road to the rear of the MSCP and its replacement with a footpath running north-south was welcomed for its public realm and ecological benefits.
- The County Ecologist commented that the change would reduce the impact on the SNCI and moving the MSCP 1.5m closer to the SNCI would be acceptable as it is less than the footprint of the approved access road. The access road would have removed a large part of the chalk grassland bank between the MSCP and the SNCI, which, due to its ecological merits, has been put forward for inclusion in the SNCI in the City Plan Part 2. A sensitive lighting scheme should be developed for the footpath to reduce impacts on

bats. The preferred option for the footpath would be a raised walkway and along the top of the chalk bank.

- The footpath should be accessible for pedestrians (including wheelchair and pushchair users) as well as cyclists and should be of sufficient width and appropriately designed to accommodate the shared route safely. The large number of steps proposed to link the footpath and the access road would create a barrier to cyclists and wheelchair/pushchair users; it was recommended that an alternative route with a step-free access be explored.
- The submissions were not clear on the design of the route beyond the SNCI to the north. The removal of the path through the roundabout needs to be justified and a safe, accessible alternative route demonstrated.
- The internal car park layout would need to be examined by Transport Officers who did not provide comment on the pre-application due to workload issues.
- The proposed green mesh cladding was considered appropriate façade treatment in the context of the site and the green walls on the south and east elevations were welcomed. It was suggested that a green wall on the west elevation be explored for suitability.
- It was recommended that a green roof be explored, however the introduction of PV panels on the roof was considered to be a positive addition.
- The proposed signage and entrance on the SE corner of the MSCP was considered appropriate however it was recommended that the floor number signage did not need to be on the outside of the building.

4. REPRESENTATIONS

4.1 One (1) letter has been received from a representative of 'Possability People' (a local disability organisation) , objecting to the proposed development for the following reasons:

- There is a lack of blue badge parking bays, less than the government recommendation of 4% of the total, which would require 21 spaces, instead of the 17 proposed. There is a significantly higher number of electric vehicle charging spaces, which is disappointing and doesn't reflect the current need for disabled parking and EVC spaces, which is much greater for the former and there is a general lack of accessible parking in the city.
- It appears the door width into the shower area may be insufficient for wheelchair users to access.

4.2 Conservation Advisory Group No objection

The Group has no objection on grounds of Conservation. The Grade II Listed Napoleonic Building is some distance further south from the site and would be unaffected by the proposals; however the proposed size and height of the development would affect the unlisted Watt Building and the Group were 'speechless' over the varied verdant shades of the MSCP cladding proposed.

5. CONSULTATIONS INTERNAL

5.1 **Planning Policy:** Comment
No comment required.

5.2 Sustainable Drainage

I have taken a look at both applications (BH2018/00689 and BH2017/00492), and the previous response to BH2017/00492. As the proposed application has not changed any of the drainage and SuDS previously commented upon, I have no further comment and the original response is still valid. I am pleased to see that the chalk grassland is being retained, as this will assist with site drainage.

5.3 Sustainable Transport: Comment

Initial Comments (24 April 2018):

The proposals seek to make changes to the broadly approved internal arrangements for access and it is not fully understood what is the rationale for site/plot-wide movement by the mobility impaired. A simple movement plan showing routes by all people (cyclists, able-bodied and mobility impaired pedestrians) would help understand how all people can move to all places. Routes for the mobility impaired are very limited, this is a concern.

Where steps are provided, cycle ramps should be incorporated.

The London Cycling Design Standards indicates that two-way shared cycle tracks/footpaths should be 4 metres wide when allowing for predicted flows and for the adjacent vertical feature of the restraining barrier. The proposals are only for 1.5 metres and this is a concern (see Movement Plan).

The proposed pedestrian link to Preston Barracks appears inadequate. The space in front of the trim-style fitness facilities appears inadequate.

A simple servicing/refuse plan showing the routes and buildings to be serviced by the store in the Multi Storey Car Park would be useful in understanding this matter.

Predictions as to the waste generated, stored and therefore collection arrangements should be provided to help understand the level of activity at a conflict point. What visibility is achievable given the proposed landscaping? Engineering style drawings sought for the entrance to the Multi Storey Car Park and to the "turning head" at the end of the access way between the Multi Storey Car Park and the Academic Building.

What is the useable width of the access way between the Multi Storey Car Park and the Academic Building? What comments and advice has been received by the emergency services and particularly the Fire and Rescue Service and what was the background in testing the swept path of the fire appliance shown?

The swept paths for the access way between the Multi Storey Car Park and the Academic Building appear tight and appears to clip the landscaping.

The proposed route shown for servicing appears to be via Queensdown School Road. Is this to be one-way working? How is this to be managed? How is the conflict point at the semi-circular shared surface outside the Cockcroft Building to be managed? A summary table of the 12 hour average vehicle generation (by hour by class of vehicle) based on the CCTV records is sought.

The provision of the cyclist hub is welcomed.

What is the rationale for locating the disabled parking bays throughout the Multi Storey Car Park rather than on one low floor? Many mobility vehicles are electric powered, certainly a greater proportion than existing common car fleet. What is the rationale for providing so few disabled parking spaces and fewer still charging points at disabled bays?

The ratios of electric charging points/future capability of electric charging points does not appear to comply with explicit policy standards, which raises concerns. The number of overall car parking spaces appears to have increased, this raises concerns.

The Vehicle Circulation Module will result in minor conflicts at the up/down ramps. Swept paths are sought.

Revised Comments:

Various transport aspects of this application are retrograde compared with the approved scheme. In particular, the removal of the continuation of the Access Road to the west of the multi storey car park (MSCP) complicates both pedestrian and cycle links to/from neighbouring areas and the MSCP/cycle-hub, and provision for servicing and deliveries to buildings on the Watts Campus. Coupled with the proposed locations of the various entrances to the MSCP/cycle-hub it also complicates interactions between all users in the vicinity of the building. Notwithstanding this, and noting the ability for various issues to be addressed later through existing conditions of the approved scheme, the Local Highway Authority does not consider that there are sufficient grounds to object, subject to inclusion of conditions.

5.4 Tree Officer Comment

The loss of the access road is welcomed in terms of retaining the chalk bank that will form an important extension to the SNCI. The retaining wall at the base of the chalk bank by the entrance to the MSCP should be constructed of suitable materials to enhance nature conservation, for example, steel gabions filled with large stones, or a soil/stone mix to encourage plants and invertebrates to colonise.

There is concern over the potential decline in growth rate and health of the cherries to the north of the MSCP. It is recommended that additional tree planting is provided between the MSCP and the Watt building, near the entrance to the MSCP, and adjacent to the Academic Building.

The arboricultural team has some concerns about the establishment of vertical planting attached to the car park in terms of irrigation and suggest additional rainwater capture systems above and in terms of sunlight reaching the east green wall and recommend shade tolerant species.

Concern is raised over the proximity of the footpath to the existing trees on the 'roundabout', located to the west of the Watt Building. Recommends that the path be relocated further west, away from the trees and to the outer edge of the service road, in order to avoid excavation of the tree roots.

EXTERNAL

5.5 County Archaeology: Comment

No further comments - conditions of original consent still applicable.

5.6 County Ecology: Comment

The detailed proposals considered in the above application, including removal of the access road, repositioned car park entrance and suspended boardwalk walkway, will result in reduced impacts on the adjacent Brighton University Local Wildlife Site (LWS or Site of Nature Conservation Importance), and a reduced impact on the chalk grassland bank within the proposed extension to the LWS. The assessment that the detailed scheme will not affect the conclusions of the original 2017 Environmental Impact Assessment is supported. The chalk bank is known to support populations of reptiles which are fully protected under the Wildlife and Countryside Act 1981, as amended, as well as chalk grassland which is a Habitat of Principal Importance under Section 41 of the NERC Act. Habitat loss should be kept to a minimum and regraded areas should be restored to chalk grassland upon completion of works.

All works that could impact on the chalk bank and the LWS should be carried out under an agreed method statement to minimise impacts on reptiles and habitats. The Ramboll Statement (letter dated 03/03/18) recommends the use of a mesh/lattice structure boardwalk for the suspended footpath link to reduce the impacts of shading; this is supported.

The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. The proposal to provide green walls on the southern and eastern aspects of the car park using predominantly native species is supported.

In light of the above and in line with BS42020:2013, if the Council is minded to approve the application, in addition to conditions applied to the original application (ref. BH2017/00492) for the protection and long term management of ecological features on and adjacent to the site, it is recommended that an additional condition is applied.

Additional comments in relation to proposed increase in width of footpath to 4m:

As previously discussed, a raised footpath is preferable to one on the ground, as it would have a smaller direct impact on the ground and on movement of reptiles also avoiding the need for them to be excluded from the works area and/or to be translocated to a new site. The disadvantage to a raised footpath is the overshadowing effect. The width should therefore be kept to an absolute minimum. Four metres would be too great an impact.

In terms of lighting (the footpath), this should be low level, e.g. bollards, and should be designed in accordance with best practice guidance (http://www.bats.org.uk/pages/bats_and_lighting.html) to minimise light spill onto the woodland in particular.

With regards to the relocation of the footpath, there should be no further encroachment into the SNCI. The mitigation agreed to date relates to the impacts as known to the scheme as it currently stands, which includes some encroachment. Any further encroachment into the SNCI would require additional mitigation.

5.7 Sussex Police Comment:

Recommends the applicant applies for a Park Mark accreditation for the car park, which is aimed at reducing crime and the fear of crime within car parks. Details can be found at www.parkmark.com. Also recommend that lighting throughout the site including footpaths and cycle routes meet BS 5489-1:2013.

All parking decks of the MSCP must be fitted with Dusk to Dawn switched lighting and the lighting should be vandal resistant. Cycle stores should be lit after dusk when in use.

A segregated footpath should be straight, wide, well-lit, devoid of potential hiding places, overlooked by surrounding buildings, and well maintained. As a general rule, planting must not impede opportunity for natural surveillance and avoid creating hiding places.

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

6.3 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.

6.4 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
- DA3 Lewes Road Area
- CP2 Sustainable economic development
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity

CP12 Urban design
CP13 Public streets and spaces

Brighton and 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
QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

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

Development Brief

Lewes Road (Preston Barracks and University of Brighton) Planning Brief 2011

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The outline consent BH2017/00492 establishes the approximate size and location of the MSCP through the parameter plans, the maximum number of car parking spaces and the minimum number of disabled parking spaces (condition 37), the minimum number of active and passive electric vehicle charging spaces (condition 39), the minimum number of motorcycle spaces (condition 41) and the position and layout of the access road up to the western edge of the Business School Square. This Reserved Matters application does not extend beyond the parameter plans, complies with these conditions, and maintains the position and layout of the access road up the western edge of Business School Square.
- 8.2 The main considerations in the determination of this application relate to:
- The layout and design of the access road and the suitability of vehicle access into and out of the MSCP and servicing and deliveries within the Watts site;
 - The internal layout of the MSCP and the movement of vehicles within the car park, the number, location and allocation of vehicle spaces including disabled, active and passive electric charging and motorcycle parking; the number and design of cycle spaces and shower and changing facilities; the position and design of lifts and entrances;
 - The design and appearance of the MSCP and the PV panels and green walls;

- The design, layout, ecological impact, function and appearance of the route from Saunders Park View northwards along the SNCI to north of the Watt Building and the retention of the existing 'roundabout'; and
- The proposed changes to the landscaping layout and design and its design, function, ecological merits and appearance.

8.3 Planning Policy:

Policy DA3 of the City Plan Part One requires development proposals for the Preston Barracks site to have a high standard of public realm, effective links across the Lewes Road and to Moulsecomb Station in order to improve the quality and permeability of the area. The development should also contribute towards Biodiversity Action Plan objectives, green infrastructure and wider landscaping enhancements through creative landscaping solutions.

8.4 Scale, Design and Appearance:

The scale (height, width and length) of the MSCP remains as indicated in the approved parameter plans of the outline consent (BH2017/00492). The MSCP would be set over 6 storeys and would be 24m in height, 32.5m in width (east to west) and 64.5m in length (north to south). The MSCP would sit behind (to the west of) the Academic Building/Business School, which is indicated to be within the parameters of 28m in height, 30m in width (east to west) and 62m in length in the outline application. There is a current application for the Reserved Matters of this Academic Building which proposes that it would measure 26.85m in height, 27.6m in width and 56.1m in length. The adjacent existing Watt Building to the north is 8 storeys and approximately 28.5 m in height. The other buildings approved in full within the wider Masterplan site range in height up to 18 storeys.

It is considered that the scale of the MSCP proposed is appropriate within the site context and the surrounding existing, approved and proposed development. The scale is within the parameters indicated in the outline consent and the potential impacts of a MSCP building of this approximate scale, location and indicative design were assessed within the outline application. The potential impact on townscape and the Grade II Listed Napoleonic Building to be retained to the south was considered to be acceptable, given the distance of the building from the Napoleonic building, the location of the MSCP behind the Academic Building, and given the scale of the existing and proposed surrounding buildings within the Masterplan site. The potential impact on daylight/sunlight/overshadowing was also assessed in the outline application. It was considered that the building would not detrimentally impact residential amenity in this respect, and that the adjacent SNCI would only experience overshadowing from the MSCP in the early morning. The County Ecologist accepts the conclusions of the update to the EIA submitted in support of this application, which is that despite the slight relocation of the MSCP building 1.5m to the west, there would be no materially greater impact on the SNCI. Therefore the scale and slightly amended location of the MSCP proposed is considered to be acceptable.

The proposed MSCP building follows the design indicated in the outline application, with a simple rectangular form and green cladding panels or varied

green and gold tones. Combined with the building's location behind the proposed Academic Building, this design would reduce the prominence of the building and would help to blend it into the green SNCI and grassland bank beyond it to the west, and the gold colours would help to connect the building to others within the University Campus, including the recently built AEC building further north. The addition of green walls would assist in this process of integrating the building into its context, and would have the added benefit of providing ecological enhancement.

The perforations within the cladding panels would provide passive ventilation which is important within a multi-storey car park, some natural light, and would provide some natural surveillance of the building, in particular the cycle store.

The PV panels on the roof would be set below parapet level, therefore would not be visible from street level.

The main entrance and signage is considered to be in an appropriate location on the SE corner, providing a legible and convenient entrance location. An additional entrance and stair and lift core are proposed on the north elevation, which provides an alternative access point, necessary for a MSCP of this size, and provides convenient access to the rest of the Moulsecoomb Campus to the north.

Overall, the scale, design, and appearance of the MSCP proposed is considered to be appropriate for the use of the building and would add positively to the character and appearance of the street scene.

8.5 Landscaping, Ecology and Trees:

Since the outline application (BH2017/00492) was approved, the ecological value of the chalk grassland bank between the SNCI and the MSCP has been recognised by the County Ecologist and the bank is now proposed to be included within the existing SNCI, to be secured through the emerging City Plan Part Two. This is therefore a material consideration in the assessment of this application, and the protection of the chalk grassland bank should be taken into consideration.

The County Ecologist welcomes the proposed removal of the access road and its replacement with an elevated walkway as it minimises disturbance to both the SNCI and the chalk grassland bank and allows the free movement of protected species underneath the walkway. However, during the course of the application, requests were made from Transport Officers for a wider walkway, of minimum width of 3m for pedestrian only and 4m for shared pedestrian and cycle route. The County Ecologist responded that a 4m width would raise serious concerns over the overshadowing impact of the walkway on the flora and fauna below.

The County Ecologist welcomes the green walls proposed on the East and South elevations of the MSCP.

It is considered that on balance, the proposed changes to the road and landscaping layout from the outline consent would result in a net benefit on ecological impact, as the ecologically valuable chalk grassland bank would be retained and the bank and the existing SNCI would be less disturbed than the scenario in the outline consent.

The Tree Officer considers that the proposed removal of the access road to the rear of the MSCP and the proposed retention of the existing 'roundabout' to the west of the Watt Building would retain the ecologically important grassland bank and would potentially reduce the impact on the existing cluster of trees on the 'roundabout'. However, the tree officer requested revised plans to relocate the footpath away from the trees on the 'roundabout'. The relocation of the footpath to the western edge of the roundabout was explored, but it did not resolve concerns from the Transport Officer due to the potential conflict and highway safety issue between pedestrians and vehicles within this service road. It was therefore considered appropriate to address this issue through condition 59, which requires the submission of large scale detailed drawings.

It is recommended that, given the complexities and constraints of the site, an informative is added to consult the Tree Officer, the County Ecologist, the Transport Officer and the Planning Officer in the design of this and other parts of the landscaping, through pre-application planning submissions, before an Approval of Details application is submitted in respect of condition 59 (Watts parcel).

The Tree Officer welcomes the provision of green walls, but questions whether additional irrigation may be required to sustain them, particularly the green wall on the east elevation.

It is recommended that a condition be applied to secure the green wall system proposed, and to require scoping of additional irrigation methods for the green wall.

The areas of landscaping identified on the Turkington Martin drawings as 'details to be assessed through condition 59' is required due to unresolved concerns from Officers over the design of landscaping and access within these areas, including potential issues with highway safety, inclusive accessibility, and potential impact on ecology and trees. It is considered that further discussion with Officers would be appropriate regarding the landscaping at the Watts site, and the final landscaping layout and details can be submitted through condition 59 of BH2017/00492.

8.6 Sustainability:

The introduction of a significant area of PV panels located centrally on the MSCP roof is a welcome addition to the building. The PV panels would also provide shade to a number of car parking spaces. . The original consent included a condition (46) requiring details of the PV panels to be submitted and approve prior to occupation, however the MSCP was not included on the list of buildings because PV panels were not indicated at outline stage. Therefore a similar condition is recommended to be applied to this application for the MSCP.

8.7 Sustainable Transport:

The new proposals do offer some improvements on the previously secured arrangements. In particular, the elevated path will provide a more level link between Saunders Park View and Moulsecoomb Station, avoiding steep gradients beside the foraging area and around the south east corner of the previous Access Road arrangement.

However, there are other concerns raised by the changes to the outline scheme permitted. Notwithstanding the challenging gradients in some locations and the possibility that it might not be feasible to design all paths to be fully inclusive the link between the approved access road to the west of the MSCP provided reasonably inclusive access for ambulant pedestrians between the MSCP and Moulsecoomb Station. As revised, pedestrians would need either to make a detour through the Watts Campus or via Lewes Road and Queensdown School Road. Gradients on the detour routes are more challenging than the approved access road.

The approved sloped path beside the foraging area above the MOD building provided reasonably inclusive access between Saunders Park View and the MSCP. The proposed new steps between the MSCP and new elevated path cut across the lower third of this. The applicants have not attempted to resolve the design of the upper two thirds as it is outside their ownership on the neighbouring Block J Residential site parcel. That will need to be done separately by the owners of that site parcel via a section 73 revision which could reduce the area available as this is likely to require a longer zig-zag path within the foraging area itself.

Further details of the elevated path will be required to ensure safety including lighting and surfacing details and seating for rest opportunities.

The new MSCP vehicular access arrangements could add complications to vehicle and pedestrian movements including servicing. These could be addressed by requiring further details by condition to ensure that conflicts are avoided.

Whilst some of the changes would result in less satisfactory arrangements for some pedestrians, this would be countered by the benefits to the ecology of the site by removing the approved access road between the MSCP and the Watts Bank. The Transport Officer has accepted that many of the concerns could be addressed by more detailed submissions subject to conditions.

The relocation of the accesses to the cycle-hub within the public realm to the eastern side of the MSCP is a positive change from the approved scheme. It is regrettable that the removal of the access road loses a convenient new cycle route from Saunders Park View to the station but the applicants have proposed an alternative route through the campus to be secured by condition.

The removal of the access road will result in new servicing and delivery arrangements across the Watts Campus but it has been accepted by the Transport Officer that they can be covered by conditions to include management plans.

The proposal to incorporate a tidal lane within the entry/exit arrangements for cars and vans will help the MSCP to efficiently cope with peak surges in demand whilst avoiding extensive queues that might impact on the operation of the Business School Square and the public highway east of this. This help with offsetting the reduction in capacity for entry queues that results from the decision to relocate the MSCP entrance to the southern side of the building.

9. EQUALITIES

- 9.1 The proposals may result in some adverse equality impacts people with mobility issues. Not all of the proposed footpaths and footways are likely to be capable of providing full accessibility. Consequently, in order to use accessible paths when travelling between the site and neighbouring areas, mobility impaired pedestrians may need to make substantial detours. The issues are mitigated by the fact that the elevated Saunders Park View can only be accessed from the Lewes Road valley floor and has no pedestrian links with the neighbourhoods to the south and west thus limiting the volume of pedestrian movements and people affected. A justification for this is provided by the significant topographic constraints of the site, which will be improved by the proposals. It is also acknowledged that the approved scheme included various locations where this was also likely to be the case.

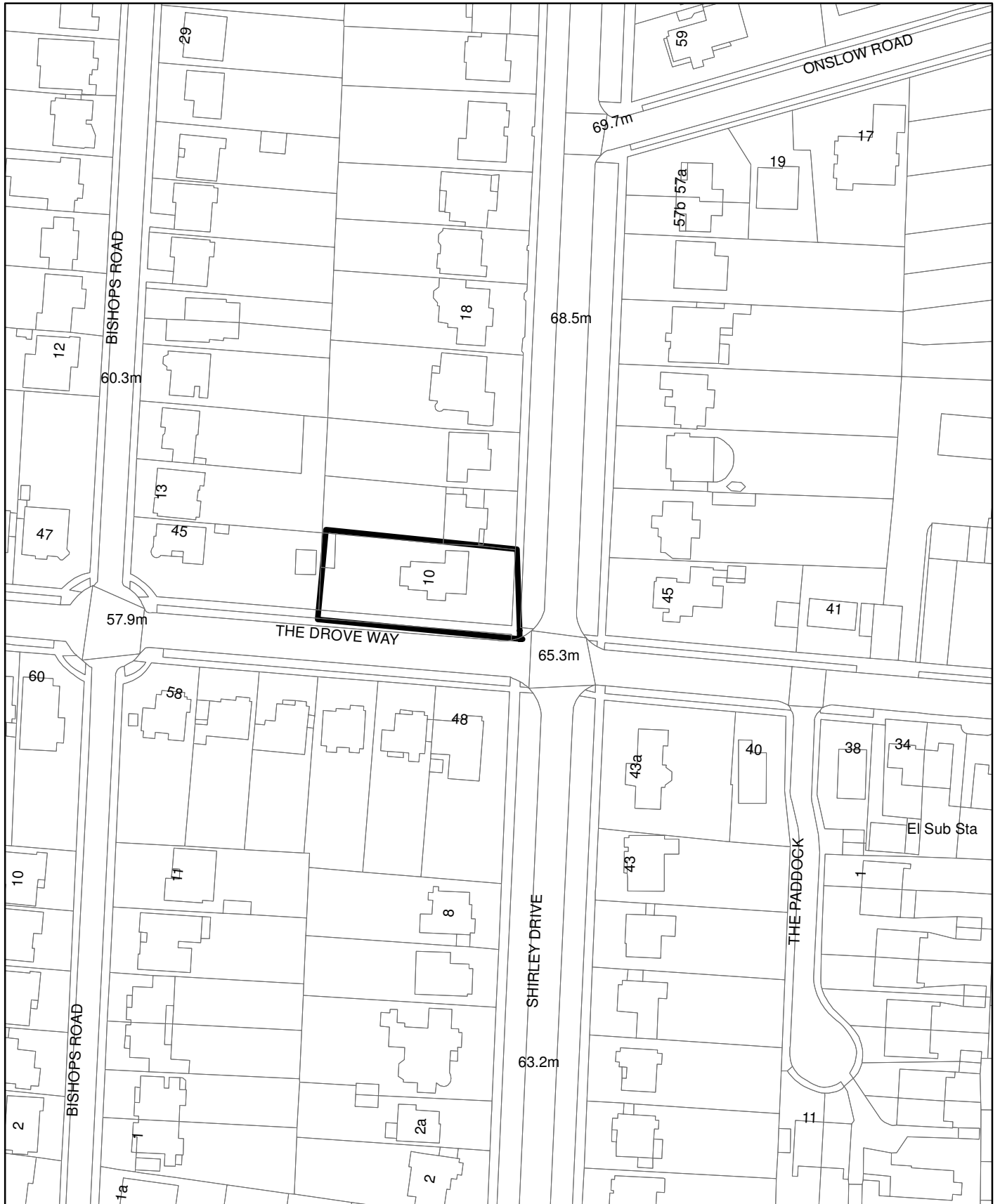
ITEM C

10 Shirley Drive, Hove

**BH2017/02869
Outline Application**

DATE OF COMMITTEE: 13th December 2017

BH2017/02869 10 Shirley Drive Hove



Scale: 1:1,250

<u>No:</u>	BH2017/02869	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Outline Application		
<u>Address:</u>	10 Shirley Drive Hove BN3 6UD		
<u>Proposal:</u>	Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3).		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	14.09.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.12.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Atelier Six Architects 177 Havelock Road Brighton BN1 6GN		
<u>Applicant:</u>	Mr B Packham And Mrs A Rizzoni C/o Atelier Six Architects 177 Havelock Road Brighton BN1 6GN		

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 Planning Obligation and the Conditions and Informatives as set out hereunder SAVE THAT should the s106 Planning Obligation not be completed on or before the 7 November 2018 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9. of this report:

1.2 S106 Heads of Terms

A contribution of £8,100 towards sustainable transport infrastructure improvements within the vicinity of the application site such as pedestrian facilities to include dropped kerbs and tactile paving on routes between the development site and local amenities e.g. Hove Park and nearby bus stop improvements on Shirley Drive

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	2017/02/01	A	14 September 2017
Proposed Site Plan	2017/02/01		24 August 2017
Proposed Section AA	2017/02/18		24 August 2018

2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) appearance; and
- (ii) landscaping.

- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 3. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

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

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

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

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

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

- 6. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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

- (i) The phases of the Proposed Development including the forecasted

- completion date(s)
- (ii) A 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 disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP. Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies 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.

8. Prior to commencement of development a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in strict accordance with the approved detailed design prior to the development commencing.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into the proposal in accordance with retained Policy SU3 in the Brighton & Hove Local Plan and Policy CP11 in the Brighton & Hove City Plan Part One.
9. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

10. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
11. Prior to the commencement of the development details of all the proposed car parking areas shall be submitted and approved in writing by the Local Planning Authority and thereafter shall be implemented in strict accordance with the approved details. The vehicle parking areas shown 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.
12. 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.
13. The new 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 Brighton & Hove City Plan Part One.
14. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Shirley Drive and The Drove way back to a footway/ grass verge 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 CP9 of the Brighton & Hove City Plan Part One.
15. 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 & Hove City Plan Part One.

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

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

17. The development hereby permitted shall not be first occupied until
i) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.

ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 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 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 is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. 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.
5. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised that the details of external lighting required by the condition 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 refers to a substantial detached property located on the western side of Shirley Drive, at the junction with The Droveaway. The site slopes down from east to west.
- 2.3 The property is a two storey single dwelling with rooms in the roofspace and a large lower ground floor area which includes a pool, home cinema, gym and spa. This is housed in an extension which is built hard up against the northern site boundary and takes up a large part of the rear garden. There is a garage to the rear with access from The Droveaway as well as a vehicular parking area to the front of the property.
- 2.4 The surrounding out of town location is predominantly residential in character, generally characterised by large detached properties with good sized gardens.
- 2.5 Outline planning permission is sought, for the principle of the demolition of the existing dwellinghouse and construction of 10 no. flats (4x one bed, 5x two bed, 1x three bed) with associated parking on the site. Matters of access, layout and scale will be assessed as part of this application, with matters of appearance and landscaping reserved for a later date.
- 2.6 The indicative plans incorporate a two-storey building plus accommodation to the lower ground floor and inset roof level. Each flat would have private outdoor amenity space and a private car parking space. The off-street car and cycle parking would be located to the rear curtilage.
- 2.7 The layout of the proposed building has been arranged with three flats on each floor and an inset penthouse unit on the top floor. The main pedestrian access from The Droveaway would give access to the ground floor in a manner similar to the existing house. Pedestrian level access would be provided to the lower ground floor via the new parking area.

3. RELEVANT HISTORY

BH2006/02036 Single storey rear extension to accommodate hydrotherapy pool and alterations to basement. Approved 29.09.2006

BH2004/03602/FP Demolition of existing two storey side extension and construction of two storey side extension and garden wall. Approved 03.05.2005

4. REPRESENTATIONS

4.1 Two hundred and twelve (212) letters have been received objecting to the proposed development for the following reasons:

- Too large
- Too tall
- Modern development
- Overdevelopment of site
- Design out of keeping with character of area
- Flatted development will change character of area
- High density
- Overshadowing
- Parking issues
- Increased traffic
- Increased noise
- Highway safety
- Overlooking and loss of privacy
- Impact from lighting
- No affordable housing
- Pressure on infrastructure and utilities
- Encourage similar applications
- Greed and profit
- Clause in covenants/ deeds preventing development of this nature
- Construction phase disruption
- Damage to grass verges
- Impact on property values

4.2 Hove Civic Society: Comment: support the principal of replacing large family homes with apartments in the area, however design is disappointing.

4.3 Two (2) letters have been received supporting the proposed development for the following reasons:

- Innovative design
- More sustainable
- Provides much needed smaller accommodation

4.4 Councillor Brown objects to the proposed development, Comments are attached.

5. CONSULTATIONS

5.1 External

Archaeology: No objection No significant below ground archaeological remains are likely to be affected.

- 5.2 Ecology:** No objection the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective.
- 5.3 Sussex Police:** No objection
- 5.4 Wealden District Council:** Objection based on concern about development's potential impact on the Ashdown Forest.
- Internal**
- 5.5 Environmental Health:** No objection subject to conditions re Construction Environmental Management Plan (CEMP), soundproofing, external lighting.
- 5.6 Planning Policy:** No objection following receipt of DVS report and amendments to scheme indicating outside amenity space and justification for housing mix.
- 5.7 Sustainable Transport:** No objection subject to conditions re cycle parking, retention of parking area, new crossover, reinstatement of redundant crossover to footpath and a S106 agreement of £8100 re trip generation.
- 5.8 Sustainable Drainage:** No objection
- 5.9 Economic Development:** No objection subject to the submission of an Employment and Training Strategy, and a developer contribution towards the delivery of the council's Local Employment Scheme.
- 5.10 Arboriculture:** No objection

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
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
CP19 Housing mix
CP20 Affordable housing

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

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
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
SPD06 Trees and Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards

Developer Contributions Technical Guidance (March 2017)

8. CONSIDERATIONS & ASSESSMENT

8.1 Matters of appearance and landscaping are reserved and therefore the main considerations in the determination of this application relate to access, layout and scale of constructing 10 no. flats (4x one bed, 5x two bed, 1x three bed) with associated parking on the site.

8.2 Planning Policy:

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 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

- 8.3 The application site is in a predominantly residential location characterised by large detached dwellings and it is acknowledged that there is concern from residents regarding the proposal for a higher density flatted development.
- 8.4 Policy CP14 states that development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal be of a high standard of design and respect the character of the neighbourhood; would include a mix of dwelling types, tenures and sizes that reflect identified local needs; is easily accessible by sustainable transport; is well served by local services and community facilities; provides for outdoor recreation space.
- 8.5 With regard to density, CP14 seeks to achieve a minimum density of 50 dwellings per hectare. The proposal is for 10 residential units on a 0.08ha site which provides a density of 119dph which accords with policy, subject to on site design and amenity considerations.
- 8.6 Policy CP19 requires that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city. Additionally it is important to maximise opportunities to secure additional family sized housing on suitable sites.
- 8.7 The proposal would provide 4x one bed, 5x two bed, 1x three bed, a mix which includes 6 family sized units. The applicant has provided justification as to why a greater number of family sized units cannot be provided, given the location, constraints of the site and potential viability of the scheme. Given this, it is considered that the mix of unit sizes has been justified and the mix as submitted represents an optimum use of the land and provides for an appropriate mix of housing sizes.
- 8.8 Subject to other planning considerations, the scheme would provide for 9 (net) residential units, 6 of them suitable for family housing, and the development of the site is therefore supported as a means of increasing housing supply and making more effective use of the site in line with the requirements of City Plan Policy CP14 (Housing Density). A net increase of 9 dwellings would make a positive contribution towards the City's housing target as set out in City Plan Policy CP1 and the scheme is supported by the Council's Planning Policy and Economic Development teams.
- 8.9 Design and Appearance:**
The Outline application reserved matters of design and landscaping and so these are not considered in detail other than to confirm that the quantum of development sought could realistically be accommodated on site.

This section of Shirley Drive is not entirely uniform in appearance and there is a mix of styles, albeit mainly traditional two storey residential dwellings. However there are some common features such as hipped brown/ red tiled roofs with hipped or gable ended front projections. Most appear to be single dwellinghouses; very few properties in this area have been subdivided, and there is no modern flatted development within the vicinity.

- 8.10 As previously mentioned the principle of additional residential dwellings on this site is supported in policy terms. However the resulting development should respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan. Successful higher density development will depend upon a 'design-led' approach that respects its local context and minimises impacts on its surroundings. A new development in this area would therefore need to fit in with local vernacular in terms of design and appearance.
- 8.11 The indicative plans show that the proposed development would not be dissimilar in terms of footprint, scale and height to the existing building. The proposed scale and layout is therefore considered acceptable.
- 8.12 However it is considered that the indicative design of a modern style building in brick with a zinc roof, aluminium windows and brick boundary treatments would result in an overly-imposing, block-like development with very little visual relief, that would not pick up on the positive qualities of the neighbourhood and would appear incongruous and out of character within the streetscene. By virtue of this, the design would be harmful to the visual amenities of the streetscene and wider area. Therefore the design as shown on the illustrative drawings is not acceptable and any approval does not signify the LPA's acceptance of the design/external appearance.
- 8.13 Additionally, contrary to what is stated in the submission documents, there are trees and shrubs within the application site which provide visual amenity value in the streetscene. It is not clear whether these trees/ shrubs are to be retained; this should be clarified as part of the landscaping scheme secured by condition. There are also lime trees on the public highway which could be affected by the development.
- 8.14 'Appearance' and 'landscaping' need to be addressed as part of a reserved matters application.
- 8.15 Standard of accommodation:
Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17). The Council does not at present have an adopted policy do require minimum unit sizes. Government has however published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally

described space standard' , March 2015. Whilst the Council does not seek to enforce these standards, they do clearly provide a useful and highly relevant reference point in assessing standard of accommodation in new residential units.

8.16 From the indicative plans the proposed units would comply with the above government standards and would provide good levels of light, outlook and circulation space. Local Plan Policy H05 requires a provision of private usable amenity space in new residential development appropriate to the scale and character of the development. It is noted that the lower ground floor apartments would have access to a private terrace, and the apartments on the upper floors would benefit from a balcony; this provision is considered appropriate.

8.17 Affordable Housing:

Policy CP20 applies to the proposed development, which proposes 9 (net) dwellings. Policy CP20 seeks 20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 (net) dwelling (based on 2x two bed flats in Zone 1 which would equate to £477,500). The supporting text to policy CP20 states that financial contributions will be pooled and used to enable affordable housing provision within the City.

8.18 Developers are required to prove where it is not viable for them to meet this policy provision. In this case the applicant has submitted a viability report outlining the site constraints. This, along with the LPA's policy position, was submitted to the District Valuer Services (DVS). The DVS has concluded that the scheme is unviable and cannot provide an Affordable Housing contribution.

8.19 Given the DVS conclusion, it is considered that, as 9 (net) residential units of a good standard would be provided for the City, the revised position of nil affordable housing provision is acceptable in this case.

8.20 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.

8.21 The property most likely to be impacted by the proposal is no. 12 Shirley Dive, on the adjoining site to the north. This neighbouring property has only a couple of secondary and / or obscure glazed windows to its southern side elevation. Therefore the side windows of the indicative drawings would not overlook into the habitable rooms of no. 12.

8.22 The rear windows and proposed penthouse balcony of the indicative drawings would give rise to overlooking of the rear garden of no. 12 and of no. 45 Bishops Road, which at a lower ground level to the rear. Although the views would be identical to the existing situation, it is acknowledged that, given the

increase in the number of units, there could be a real and perceived intensification of overlooking of neighbouring gardens.

- 8.23 However in view of the distances involved and the good size of the neighbouring gardens it is considered that the development could be designed to limit the impact, such as the provision of an inset balcony and privacy screens, so that significant harm does not arise. This should be factored into the design at reserved matters stage.
- 8.24 Given that the proposed development would not be dissimilar in terms of footprint, scale and height to the existing building, it is considered that the proposal would be unlikely to cause significant harm to neighbouring amenity through loss of light or outlook, or overbearing impact. The applicant has submitted a daylight/ sunlight assessment by Building Research Establishment Ltd (BRE). The report has used the BRE's Guide to Good Practice Layout Planning for Daylight and Sunlight and concludes that the loss of daylight and sunlight to the windows of 12 Shirley Drive has been analysed and would be well within the BRE guidelines in all cases.
- 8.25 A new residential development in what is already a residential location would not be expected to create harmful levels of noise or disturbance. It is noted that there would be a parking area created on the boundary with no. 45 Bishops Road. However as the neighbouring property has a good sized garden with a garage at the rear, shielding the property from the rear of the application site, the intensification of the parking area is not considered to warrant refusal of the application.
- 8.26 The Council's Environmental Health officer has requested details of the outside lighting scheme to ensure that the artificial light would not cause nuisance to the residents or neighbouring properties. This can be secured by condition.

8.27 Sustainable Transport:

There have been concerns from local residents regarding highway safety. However the Council's Highways team has no objection to the scheme as follows:

Parking

The application proposed 10 car parking spaces (including one disabled space). This is acceptable and within the City Councils maximum car parking standards (SPD14). The car parking layout is deemed satisfactory.

With regard to cycle parking SPD14 requires a minimum of 1 space per flat and 1 space per three flats for visitors. Therefore for this development a minimum of 14 spaces should be provided. It is noted that only 10 spaces have been proposed and there is adequate space on site for a further 4 to be accommodated; therefore further details are requested (including shelter for at least ten of the cycle parking spaces). This can be secured by condition.

Vehicular Access

The vehicular access on The Drove way is being relocated several metres east of its existing location which is deemed acceptable in highway terms. The proposed relocation of the new entrance and crossover on the Drove way means that the existing entrances/crossovers on both The Drove way and Shirley Drive are to become redundant; they should be removed and the footway, kerb edge and grass verge reconstructed and reinstated. This can be secured by condition.

Pedestrian & Mobility & Visually Impaired Access

The site's main pedestrian access includes a number of steps and this does mean that access to the flats may be difficult or not possible for some. It is recommended that the applicant should consider implementing alternative step-free access at design stage.

Trip Generation

This proposed development is likely to generate an increase in trips to the site. Given that there is a need for pedestrian route and bus stop improvements in the surrounding area, it is recommended that a sustainable transport contribution of £8,100 is sought in order to provide for the needs of future occupants of all abilities accessing the site on foot.

8.28 Sustainability:

Policy CP8 sets out residential energy and water efficiency standards required by new development; to achieve 19% above Part L Building Regulations requirements 2013 for energy efficiency, and to meet the optional standard for water consumption of 110 litres/ person/day. This can be secured by condition.

8.29 Developer Contributions:

Although the development is for 10 residential units, the net gain is 9 dwellings. Therefore having regard to the Developer Contributions Technical Guidance, the LPA cannot request contributions in respect of Education, Employment/ Training or Open Space.

8.30 Other Considerations:

There is a considerable amount of construction proposed, in very close proximity to local residents. Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. It is therefore recommended that a Demolition Management Plan and a Construction Environmental Management Plan (CEMP) is requested via condition.

8.31 Wealden District Council has raised an objection to this application based on concern about its potential impact on the Ashdown Forest (European) site which is a material planning consideration in the determination of this application. This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Ashdown Forest (European) site. A pre-screening exercise has been undertaken to assess the potential in combination with other development for "likely significant effects" on the Ashdown Forest. This has

concluded that there is no potential for "likely significant effects" on the Ashdown Forest (European) site and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations".

- 8.32 Matters raised in neighbour representations relating to greed/ profit, deeds, covenants, impact on property values are not material planning considerations.

9. S106 AGREEMENT

In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. Proposed development fails to address the additional impacts on sustainable transport infrastructure which the proposed development would cause, contrary to policies CP7 and CP9 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

10. EQUALITIES

- 10.1 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings appears to be achievable; wheelchair access is provided by a fully accessible lift which serves each floor and there would be level access from the car parking area.
- 10.2 Policy HO13 states that a proportion of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard. However as this is 9 net dwellings this does not apply.

BH2017/02869 – 10 Shirley Drive
Councillor: Vanessa Brown

As a Councillor for Hove Park Ward I am writing to object to the above planning application.

The application is to turn a single residence into ten flats in an area that is characterised by individually designed detached houses in both Shirley Drive and The Droveaway. This would be a complete overdevelopment of the site.

There is a two storey extension proposed on the East side which faces Shirley Drive. This will reduce the light and sun to number 12 Shirley Drive as this block of flats would sit to the South of number 12.

This would also lead to more traffic in The Droveaway which is already a very busy road heavily parked on both sides.

The greatest concern is that allowing a block of flats to be built in the middle of a residential area where there are no flats at all could set a dangerous precedent for the future.

If this application should be recommended to be passed I would request that it goes before the Planning Committee for decision.

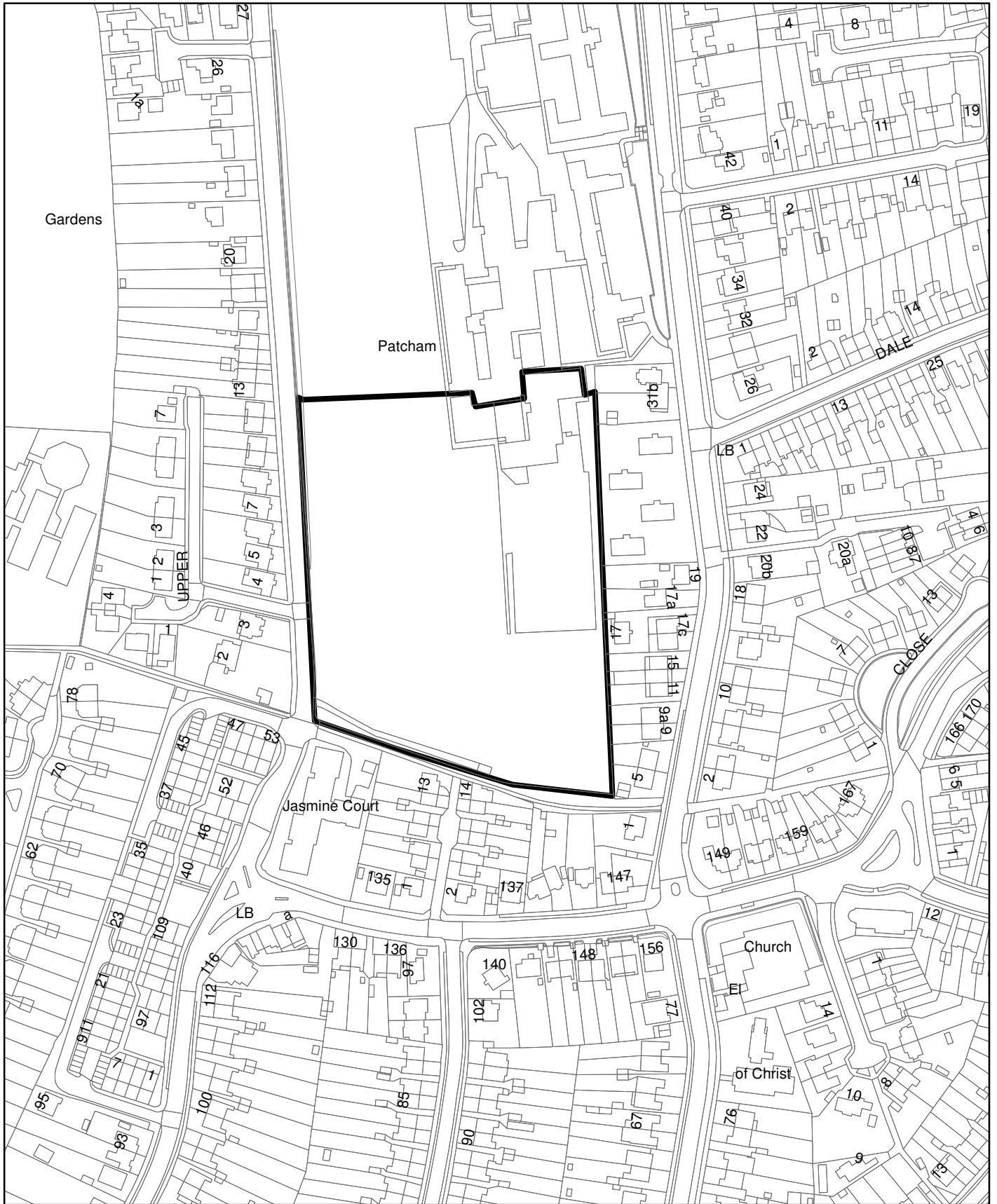
ITEM D

**Patcham High School, Ladies Mile Road,
Brighton**

**BH2018/00248
Council Application (Full Planning)**

DATE OF COMMITTEE: 13th December 2017

BH2018/00248 Patcham High School Ladies mile rd



Scale: 1:2,418

<u>No:</u>	BH2018/00248	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Patcham High School Ladies Mile Road Brighton BN1 8PB		
<u>Proposal:</u>	Erection of 4no court sports hall with changing facilities. Reconfiguration of existing sports pitches to facilitate creation of new netball courts and a 3G football pitch with fencing and floodlighting, footpath access routes and other associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	02.02.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.05.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Brighton & Hove City Council Town Hall Hove BN3 3BQ	Property & Design	First Floor Hove
<u>Applicant:</u>	Patcham High School Ladies Mile Road Brighton BN1 8PB		

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 Planning Obligation and the Conditions and Informatives as set out hereunder SAVE THAT should the s106 Planning Obligation not be completed on or before the 7 November 2018 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9. of this report:

1.2 S106 Heads of Terms

- Contribution of £7,750 towards the Council's Local Employment Scheme
- Construction Training and Employment Strategy
- Community Use Agreement
- Contribution of £15,000 towards sustainable transport infrastructure improvements within the vicinity of the application site. This will be allocated to improve accessibility and/or mitigate adverse transport impacts which could include yellow lines in Ladies Mile Road & Warmdene Road and the provision of a pedestrian crossing in Winfield Avenue.

Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	001		24 January 2018

Block Plan	002		24 January 2018
Existing Floor Plans	004		24 January 2018
Existing Elevations	005	A	2 February 2018
Floor Plans Proposed	006	A	2 February 2018
Elevations Proposed	007		2 February 2018
Elevations Proposed	008		2 February 2018
Elevations Proposed	009	B	2 February 2018
Elevations Proposed	010	B	2 February 2018
Elevations Proposed	013	A	2 February 2018
Elevations Proposed	014	A	2 February 2018
Site Layout Plan	003	C	6 June 2018
SUDS strategy	DRAINAGE DESIGN STRATEGY	A	26 April 2018
Other	PITCH MARKINGS PLAN		27 April 2018
Lighting scheme	ILLUMINANCE CALCS	UKS158 14/2	1 May 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The outside sporting facilities hereby permitted shall not be in use except between the hours of 08:00 to 21:00 Monday to Friday and 09:00 to 16:00 on Saturdays, Sundays, Bank and Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. The Sports Hall hereby permitted shall not be in use except between the hours of 08:00 to 21:00 Monday to Friday and 08:00 to 16:00 on Saturdays, Sundays, Bank and Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. The floodlighting hereby permitted shall not be in use except between the hours of 08:00 to 21:00 Monday to Friday and 09:00 to 16:00 on Saturdays, Sundays, Bank and Public Holidays.
Reason: To safeguard the amenities of the occupiers of the locality and to comply with policies SU9, QD26 and QD27 of the Brighton & Hove Local Plan.
6. The floodlights shall be installed in such a manner as to ensure that lamps (light sources) and reflectors are not directly visible from the habitable room windows of any property directly abutting the site. Any method or equipment for shielding the light sources proposed shall be subject to approval and testing on site and written confirmation of acceptability by the Council before the floodlights are first brought into use. There shall be no subsequent variation of the lights without the written approval of the Council.

Reason: To safeguard the amenities of the occupiers of the locality and to comply with policies SU9, QD25 and QD27 of the Brighton & Hove Local Plan.

7. At no time and under no circumstances shall the light from the floodlights into the habitable room windows of adjacent buildings exceed a level of 5 Ev lux (vertical illuminance).

Reason: To safeguard the amenities of the occupiers of the locality and to comply with policies SU9, QD26 and QD27 of the Brighton & Hove Local Plan.

8. No sound reproduction or amplification equipment (including public address systems, Tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.

Reason: To safeguard the amenities of the occupiers of the locality and to comply with policies SU9, QD25 and QD27 of the Brighton & Hove Local Plan.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

10. Access will be created and maintained for the lifetime of the development to allow for the maintenance of the soakaways located to the east of the No 17A Warmdene Road, within the grounds of Patcham High School.

Reason: These are an essential part of the surface water flood management of the area and need to be maintained, in accordance with CP11 of the City Plan Part One.

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

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

12. 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 Drainage Design Strategy, Revision A dated April 2018 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.

13. The development hereby permitted shall not be commenced (including demolition and all preparatory work) unless the existing chain link fence and tarmac surface adjacent to the eastern boundary of the site are in place and retained throughout the construction process. They shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the fence or tarmac surface.

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

14. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

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

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

c. details of all boundary treatments to include type, position, design, dimensions and materials; Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

16. Within 3 months of first use of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

18. 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 and SPD14: Parking Standards.

19. Prior to first use of the development hereby permitted, a Travel Plan must be submitted to, and approved by, the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel, to minimise any potential traffic impact at evenings and weekends, and to comply with policies TR4 of the Brighton & Hove Local Plan and CP9 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 applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
3. With regard to sustainable drainage the LLFA would expect to see
 - Details and location of the final proposed drainage infrastructure.
 - Appropriate ground investigations to demonstrate any proposed drainage is suitable for the site
 - 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; up to and including the 1 in 100 year plus climate change (30%); and storm durations.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a secondary school site (2.2 hectares) which is located on the southern side of Ladies Mile Road. The current school has in excess of 1000 pupils aged between 11 and 16 and supports community facilities including the adjacent library, community centre and Youth Centre and, along with the adjacent Junior School, shares a prominent site within the Patcham area.
- 2.2 The site is bounded by Warmdene Road to the east, Winfield Avenue to the west and properties on Carden Avenue, Dale Avenue and Patchdean to the south. The surrounding area is predominantly residential in character. The closest properties to the site are those to the south and east, which share a boundary with the school. The properties to the north and west are buffered from the site by the adjacent public highway.
- 2.3 The site itself has been extended over the years in a linear arrangement along the eastern boundary of the site retaining the western side as open green playing spaces. The site is now made up of a series of inter-connected flat roofed school buildings to the eastern side of the site, between one and four storeys in height, with adjacent parking area. There are netball courts to the south of the school buildings. The rest of the site is made up of playing fields/sports pitches.
- 2.4 The application seeks permission for:
 - New Sport England Sports hall (4 no. courts) with associated changing areas and storage (1,350m²). Indoor sports to include: Badminton; Tennis; Cricket with four lane indoor netting system; Volleyball; Basketball; Small sided football; Dance.

- New 3G facility (69x106m) to accommodate U16 Full size football pitch(91x55m) enclosed with anti-rattle fencing, with ramped access and grass banked seating areas for spectators. Sports include Football; Hockey; Touch Rugby.
- Relocated reduced footprint Netball / Tennis Courts x 2 with access gates and ramped access.
- Floodlighting to Netball Courts and 3G pitch
- Acoustic screen fencing to the East and south elevation.
- 4.5m high open mesh green low rattle security fencing to football and netball pitch perimeter to retain balls etc within the site boundary
- Widen existing pedestrian link to existing parking.
- New Disabled parking space

2.5 During the course of the application amendments have been made to the siting of the 3G sports pitch to re-locate it further away from neighbouring residential properties to the south and east. A revised lighting scheme has been submitted which seeks to minimise impact on the closest neighbouring property, 17 Warmdene Road. There have been some minor amendments such as changes to the pitches and markings.

3. RELEVANT HISTORY

3.1 No recent planning application history. Several minor applications in the 1990s relating mainly to the retention/ removal of mobile classrooms.

4. REPRESENTATIONS

4.1 **Ninety-eight (98)** letters have been received objecting to the proposed development. The main grounds of objection are as follows:

- Noise
- Parking issues
- Highway Safety
- Flood risk
- Increased traffic and pollution
- Loss of light
- Loss of privacy
- Loss of outlook
- Light pollution
- Impact on sleep
- Increase in litter
- Loss of green space
- Anti-social behaviour
- Impact on wildlife

- Overdevelopment on site
- Height of building
- Visual impact
- Sports facilities nearby
- Better to focus on other school improvements
- Security concerns
- Lack of sustainable materials
- Impact on property prices
- Commercial development
- Disruption from construction
- No additional planting proposed

4.2 Three hundred and twenty five (325) letters have been received supporting the proposed development. The main grounds for support are as follows:

- Asset to area
- Community facility
- Improved sports facilities
- Lead to active and healthy lifestyles
- Facilities for young people
- Year round facilities
- Build stronger community ties
- Wheelchair accessible facilities
- Local business will be supported
- Extra funds for school

4.3 Cllrs. Geoffrey Theobald, Carol Theobald and Lee Wares have written in support of the application; Comments are attached.

5. CONSULTATIONS

5.1 Arboriculture: No objection subject to conditions relating to the tree retention, tree protection and landscaping scheme.

5.2 Environmental Health: No objection subject to conditions relating to floodlighting, hours of use of facilities, and amplified music.

5.3 Sustainable Drainage: No objection subject to conditions re access to allow for the maintenance of the soakaways, and the submission of a design and associated management and maintenance plan of surface water drainage

5.4 Sustainability Officer: Comment Condition to require BREEAM 'excellent'

5.5 Planning Policy: No objection The proposal would enable better and more effective use of existing open space and indoor/ outdoor sports facilities in line with the general policy approach for open space and sports provision as set out in policies CP16 and CP17 in the City Plan.

- 5.6 Sustainable Transport:** No objection subject to condition requesting a travel plan and £15,000 for pedestrian/ accessibility improvements within the vicinity of the site.
- 5.7 Economic Development:** No objection The new facilities pitches will further enhance the physical educational / sports offer from the school for its students and for the wider community, with the potential to generate income for the school during the extended period of austerity measures and create additional employment opportunities.
- 5.8 Sport England:** No objection The development is for sporting facilities of sufficient benefit to the community to outweigh the loss of playing field.
- 5.9 County Ecologist:** No objection the proposed development is unlikely to have a negative impact on biodiversity and can be supported from an ecological perspective.
- 5.10 County Archaeologist:** No objection No significant below ground archaeological remains are likely to be affected by these proposals.
- 5.11 Southern Water:** No objection
- 5.12 UK Power Networks:** No objection
- 5.13 Scottish Gas Networks:** No objection
- 5.14 Sussex Police:** No objection

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
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public Streets and Spaces
CP16 Open space
CP17 Sports provision
CP18 Healthy city

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
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD26 Floodlighting
QD27 Protection of amenity
HO20 Retention of community facilities

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principal of the scheme, visual impact, impact on neighbour amenity, highways, sustainability and arboriculture.

8.2 Planning Policy:

City Plan policies CP16 Open Space and CP17 Sports Provision seek the retention, enhancement and more effective use of open space especially playing fields.

8.3 Policy CP16 supports better, more effective and appropriate use of existing open space. It requires that new provision should optimise accessibility for all

users, facilitate sustainable means of access, and provide measures to improve public safety. It seeks the community use of private and schools' open spaces and proactive and appropriate management of open spaces, including an agreed funded maintenance plan. It also requires that proposals minimise light pollution.

- 8.4 Policy CP17 seeks the enhancement and more effective use of existing indoor and outdoor sports facilities and spaces. It supports the provision of new sports services, facilities and spaces (including extensions to existing provision) especially those that meet identified needs. It states that new provision should meet quality standards, optimise their accessibility and affordability to all users, and proposals should seek to improve the variety of provision in the city.
- 8.5 The supporting text at paragraph 4.178 states that due to the city's physical constraints, future open space requirements are unlikely to be met in full and therefore more intensive use of existing open space will be needed to maintain current quality of life. The Open Space Study Update 2011 identifies that the provision of outdoor sports facilities in Patcham ward only marginally exceeds the minimum open space standards.
- 8.6 The application states that the existing sports facilities within the school include a shared activity assembly hall and a single designated gymnasium with changing areas which also supports the indoor pool area. The external playing areas offer grass playing surfaces for a variety of sports including football, rugby, cricket, athletics and netball. Netball, tennis and basketball are provided by the all-weather hard playground areas. These external areas support the school and the local community. The School has established links with a number of local youth community groups including junior football based clubs such as Patcham United Football Club and Albion in the Community, well as other sport. However the grass pitches are limited in their all year round use, particularly for winter seasonal sports including rugby and football.
- 8.7 The provision of a floodlit all weather pitch and the indoor facilities would enhance the physical educational / sports offer from the school for its students and for the wider community, with the potential to generate income for the school during the extended period of austerity measures and create additional employment opportunities.
- 8.8 The proposal is therefore supported in principle; it would substantially enhance the quality of the sports facilities, which would accord with the general policy approach for open space and sports provision as set out in policies CP16 and CP17.
- 8.9 The proposal meets the policy requirements in that it provides improved sporting facilities close to the community and has good pedestrian and cycle links. The Council's Planning Policy, Sports Development and Economic Development teams support the proposal. Sport England confirm that the development is for sporting facilities of sufficient benefit to the community to outweigh the loss of playing field, and therefore has no objection. A community use agreement can

be secured by s106 agreement to ensure the development directly benefits the local community which is considered to be a significant merit to this application.

- 8.10 The principle of development is therefore accepted subject to any other material considerations; as set out below the scheme is considered to have been designed to sufficiently protect the amenity of adjacent residential properties and the natural environment.

8.11 Design and Appearance:

Sports Hall:

The site and neighbouring community buildings are mixed in terms of architecture and character. The existing site buildings are constructed in a mix of blockwork, brick and render. There is a 1930s brickwork school building to the north east and a more recently built (2003) community building erected to the north just outside the School grounds to incorporate the community centre and library. There are traditional 1930s two storey houses surrounding the site.

- 8.12 The new sports hall would be located to the southern end of the existing school to allow the existing internal corridors to be extended into the hall. This will ensure the new hall would be an integral part of the school and its sports wing would be adjacent to the existing changing rooms and pool areas.

- 8.13 The main building would be a box like structure, primarily faced with three distinctive bands to reflect the scale and elevational treatment of the main school. This banding would be formed of light grey coloured brickwork plinth at low level with grey aluminium windows and doors; the mid-level will be formed as a staggered horizontal banding; the upper band of translucent cladding would add controlled natural daylight into the spaces and lighten the top level of the elevation. The aim is to further reduce the overall impression of height and massing of the new building and thus reduce its impact on the surroundings. The lower level store and changing areas will be treated with board type rain screen cladding with colour added to the elevations.

- 8.14 It is acknowledged that the aim is to provide a high quality modern building which fits in with the existing school buildings and surrounding mixed architecture. The new flat roofed buildings would be of a similar scale and height, and follow the linear design of the existing school buildings along similar horizontal lines. It is considered that the design is appropriate for the school site and would not be at odds with the surroundings. Materials are recommended by condition. It is noted that the colour cladding approach has been used successfully at other schools in the area, such as St Andrews School and Saltdean Primary School.

8.15 3G Pitch:

It is proposed that the new 3G pitch would retain the green visual character of the existing site with a perimeter green mesh fencing which would aim to soften its visual appearance and keep the views during daylight hours similar to the existing. This is considered acceptable.

8.16 Floodlighting:

It is proposed that the 3G pitch would have 8no. 15 metre masts with 16 no. metal floodlights, and the netball courts would have 4 no. 12 metre masts with 4 no. metal floodlights. The floodlights would be of slim design.

8.17 Although there is no doubt that they would be visible to neighbouring properties, it is considered that the structures would not have an overbearing impact or be unduly harmful to neighbours' outlook. Given the site context the masts would not stand out as visually intrusive and would be appropriate in terms of visual appearance.

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 new pitch and sports hall would be located in close proximity to existing residential properties adjoining the application site to the south and east. It will be important to ensure that the impacts of noise, external lighting and floodlighting are minimised in line with policies SU10, QD25, QD26 and QD27 in the Brighton & Hove Local Plan and that planning conditions are applied to restrict the hours and frequency of use.

8.20 The site is sloped, rising 2.5m from west to east, with a further steep rise at the eastern boundary. These levels would be remodelled to reduce the base level of the new 3G pitch to create a level pitch. The site context rises up clearly to the east and the cross section through the site demonstrates that the lowering of the new 3G pitch creates a perimeter embankment/bund zone which will reduce the direct line of noise travel and assist residential views from the adjoining houses over the new pitch. The addition of acoustic fencing will aim to reduce the sightlines and the direct sound travel lines.

8.21 The Council's Environmental Health officer has no objection to the scheme provided the outside facilities are in use only Monday to Friday 08:00 to 21:00, weekends 09:00 to 16:00, to safeguard the amenities of the locality. Additionally no amplified music should be audible outside of the site boundary. These measures can be secured by condition.

8.22 With regard to the floodlighting, the Council's Environmental Health officer has advised that due to the proximity of residential properties and the outer suburban nature of the area, it is appropriate to adopt the strict standard of a maximum allowable luminance value of 5 Ev lux (vertical illuminance).

8.23 The lighting scheme has achieved this standard (4.1 Ev lux @ the nearest property no. 17 Warmdene Road). Therefore there are no objections from the Environmental Health officer subject to conditions relating installation, siting and hours of use.

8.24 Sustainable Transport:

Access to the school is as existing, and no further parking spaces are proposed aside from the addition of two accessible parking spaces for disabled visitors. No assessment of parking demand or other transport impact has been provided in support of the application. There is a danger that parking may overspill to public roads and affect the amenity of existing residents, and these concerns have been raised by residents. There will be no change during the school day as these facilities will not be open to the public, and so the only impacts would be at evenings and weekend.

- 8.25 Unless and until an assessment has been provided, it is not possible to establish with a high degree of confidence whether and to what extent parking will overspill and its potential impact on existing residents. However, the overall increase in capacity of the sports facilities is small, and therefore the extent of any overspill parking (or additional overspill) is likely to be minimal. The Council's Highways team consider that it would be disproportionate to recommend refusal based on the potential minimal impact on residential amenity.
- 8.26 Travel plan measures could help to mitigate any existing and potential additional overspill parking. The Highways team has therefore recommended that the School's travel plan is updated and extended to cover evening and weekend use of the school's premises. Measures should include encouraging use of sustainable modes and of car sharing among public users of the facilities.
- 8.27 Cycle parking will increase considerably, from 10 to 30 parking spaces, thus improving the accessibility by sustainable modes. This shows that these spaces would be accessible "Sheffield" stands, under cover, and conveniently situated with a high degree of natural surveillance, which is considered acceptable.

8.28 Sustainability:

The proposed Sports Hall (plus changing areas etc) would measure 1,350sqm and under Policy CP8 standards major non-residential development is expected to achieve BREEAM 'excellent' or provide justification for achieving a lower standard. The application states that the building has been designed to align with the principles of a standard Sport England affordable sports centre which aim to typically target a 'good' or 'very good' BREEAM aspiration. Given this, the applicant has committed to a 'very good' standard which is considered acceptable in this instance.

8.29 Arboriculture:

A row of semi-mature/mature sycamore/ash trees grow upon an embankment that acts as a boundary line between the school and the properties in Warmdene Road to the East. Further south from that are a few more sparsely planted broad-leaved trees that line the east boundary to the SE corner.

- 8.30 The trees on the eastern embankment will be an important visual and sonic screen to the proposed development to the adjacent properties. The Council's Arboriculture officer has advised that the existing eastern boundary chain link fence adjacent to the east boundary of the existing netball courts should remain for the duration of the proposed works. It is a ready-installed protected fence

that would be to BS standard and will protect the eastern boundary trees root protection areas from potential development damage. The existing tarmac surface adjacent to the existing eastern boundary chain link fence should also be retained in a thin strip adjacent to the fence as this again will further protect the Root Protection Areas of the adjacent trees upon the embankment. This can be secured by condition.

- 8.31 There is a loss of one mature silver birch to the north of the existing netball courts. Due to the loss of this mature tree and to soften the effect of the newly installed pitch, landscaping opportunities will need to be explored along the eastern boundary and southern boundaries and SW corner and the Arboriculture Officer has recommended that a comprehensive landscape scheme is submitted including a combination of new trees and native hedgerow planting. Again this can be secured by condition.

8.32 Ecology:

The application site is designated in CPP1 as a Nature Improvement Area (NIA) forming part of the city's Green Network. Policy CP10 requires that within NIAs, a strategic approach is taken to nature conservation, including protecting existing biodiversity from the negative effects of development, including noise and light pollution and ensuring that development delivers measurable biodiversity improvements.

- 8.33 The County Ecologist has advised that the proposed development is unlikely to have a negative impact on biodiversity and can be supported from an ecological perspective. However an Ecological Design Strategy should be required setting out how the site will be enhanced for biodiversity. This can be secured by condition.

8.34 Flood risk/ Sustainable drainage:

The site is in the vicinity of areas of Patcham that suffer chronic surface water flooding in heavy rain downpours and it is noted that there have been some concerns from local residents regarding potential drainage and flooding. The applicant has submitted a Design Drainage Strategy which proposes sustainable drainage methods. The Council's Flood Risk Management Officer has no objections to the scheme subject to conditions re access to allow for the maintenance of the soakaways, and the submission of a design and associated management and maintenance plan of surface water drainage per the recommendations of the Drainage Design Strategy.

9. S106 AGREEMENT

In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a Community Use Agreement (specifying the details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review phase) contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to address the additional impacts on sustainable transport infrastructure contrary to policies CP7 and CP9 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

10. EQUALITIES

- 10.1 The existing footpath would be widened to a single carriageway (3m) to allow controlled limited access to a designated Disabled parking bay in front of the new sports hall. The external pitches will be accessible by ramped walkways to allow DDA access to the new hall, netball and 3G pitches.

BH2018/00248 – PATCHAM HIGH SCHOOL

Councillors: Geoffrey Theobald, Carol Theobald and Lee Wares

Please accept this letter as our SUPPORT for the above application.

Patcham High School is within the single school catchment area for Patcham and Hollingbury and surrounding areas. The proposal to provide state-of-the-art facilities is welcomed and will serve the best interests of students for decades to come. As the proposal will improve young people's health and wellbeing, improve their sporting capabilities, will offer a wider range of sports and for those sports to be available all year round we hope that the application is granted permission. At present, many outdoor sporting activities are prevented during parts of the year due to the wet ground conditions of the grassed playing fields.

Further, the proposal will benefit the wider community providing local facilities that presently do not exist. Equally, once the facilities have been paid for, revenue will go to the school that will continue to be used in improving skills and life-chances for students.

However, it is acknowledged that the proposal may have some effect on the local area and to that end we would wish the Local Planning Authority (LPA) to apply the following conditions. We understand that the applicant is willing to agree these

conditions alongside others that the LPA consider appropriate.

1. That the school's on-site parking areas are made available for the public to use when accessing the library and Patcham Community Centre for the out-of-school hours periods that the proposed facilities are open.
2. That via s106 agreements the school funds the necessary Traffic Regulation Orders to improve parking and no parking restrictions in Ladies Mile Road, Warmdene Road and Winfield Avenue better to manage on-street parking and enforcement.
3. That via s106 agreements the school funds the provision of a pedestrian crossing over Winfield Avenue adjacent to Jasmine Court to improve pedestrian safety and encourage walking to the new facilities.
4. That via s106 agreements the school funds the provision of real-time bus information to surrounding bus stops including Patcham Village to enhance sustainable travel and encourage the use of public transport when using the facilities.

In considering the application, we would ask that the LPA seeks confirmation that the existing flood mitigation measures including existing soakaways and natural water run-off that protect and serve neighbouring properties will not be affected. Should the Council consider refusing permission for this application, we request that it is brought to Planning Committee for determination where we reserve our right to speak to our letter and the application.

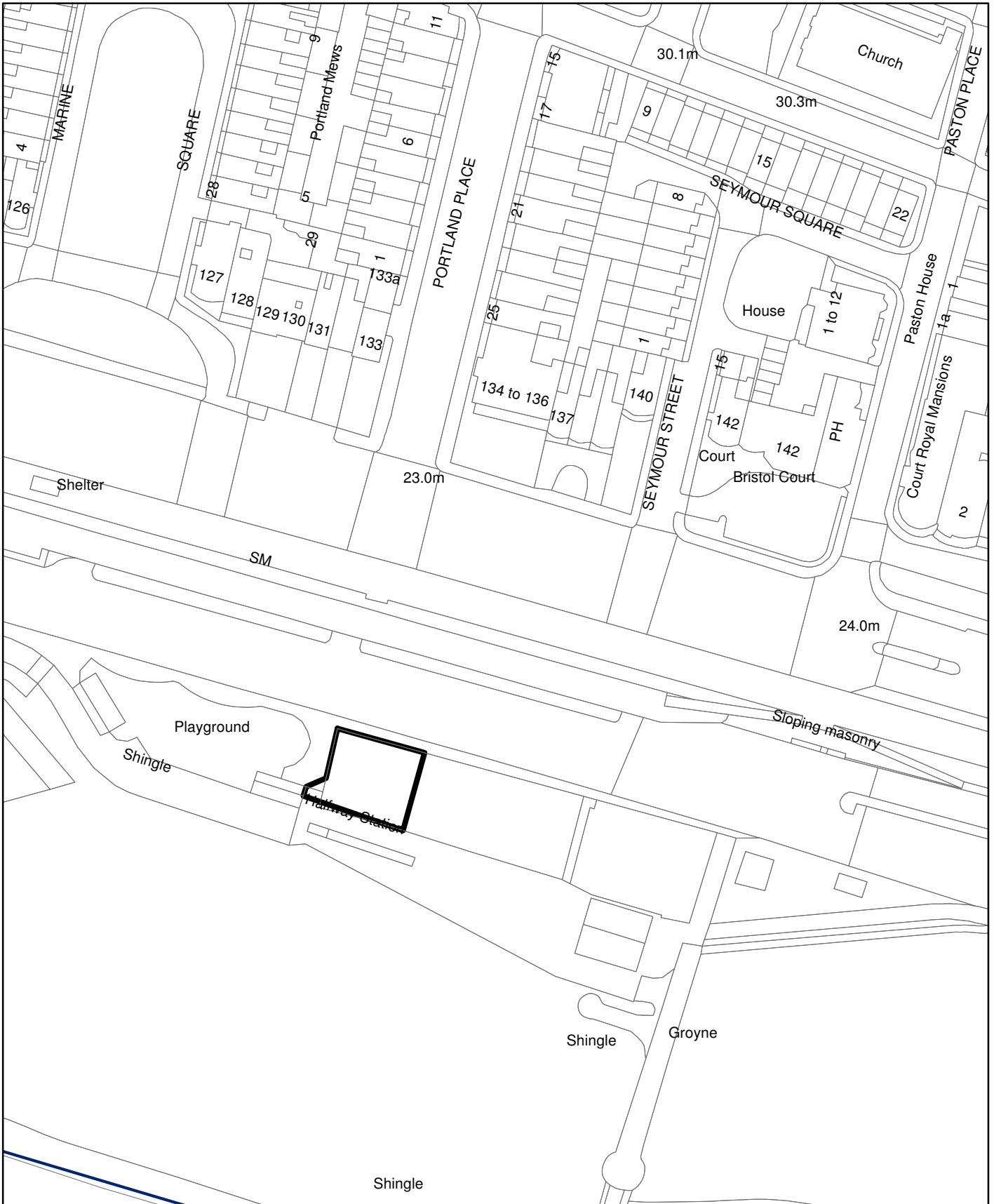
ITEM E

**Peter Pan's Adventure Golf, Madeira Drive,
Brighton**

BH2018/00700

DATE OF COMMITTEE: 18th July 2018

BH2018/00700 Peter Pan's Golf Madeira Drive Brighton



Scale: 1:1,250

<u>No:</u>	BH2018/00700	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Peter Pan's Adventure Golf Madeira Drive Brighton BN2 1EN		
<u>Proposal:</u>	Erection of 16 metre high rope climbing course above existing golf course.		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	09.03.2018
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	04.05.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	23.07.2018
<u>Agent:</u>	Absolute Town Planning Ltd Gemini House 136-140 Old Shoreham Road Hove BN3 7BD		
<u>Applicant:</u>	Jungle Rumble Ltd Afton House Kennedy Gardens St Andrews KY16 9DJ		

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Other	EXISTING SITE SURVEY 17/550/01	Rev B	5 March 2018
Other	PROPOSED LAYOUT _ELEVN 17/550/02	Rev E	5 March 2018
Sections Proposed	17/550/03	Rev A	5 March 2018
Location Plan	17/550/00	Rev B	5 March 2018
Location Plan	TQRQM18115110842297		26 April 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The climbing frame and all associated structures hereby permitted shall be removed and the use shall cease and the land restored to its former condition before 1st October 2024.
Reason: The structures hereby approved are not considered suitable as a permanent form of development as their design, scale, height, siting and site coverage would cause harm to the special historic character and appearance of

the East Cliff Conservation Area and the setting of adjacent listed Madeira Terraces, Shelter Hall and Lift, to comply with policies HE3 and HE6 of the Brighton and Hove Local Plan and policies CP12, CP15 and SA1 of the Brighton and Hove City Plan Part One. Temporary permission has been granted exceptionally as at this particular time it is considered the public benefits would outweigh the harm caused. Permanent permission is not considered appropriate because this area of the seafront is identified in the long term for comprehensive coordinated regeneration with permanent development which is sympathetic to its special setting.

4. Within 3 months of the date the development hereby permitted is first brought into use, a Travel Plan shall be submitted to the Local Planning Authority for approval. The Travel Plan shall set out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (visitors and staff), and shall include the following measures:
 - a) A travel survey of employees and visitors;
 - b) Details of publicity and ticketing initiatives including advanced booking. This shall include evidence that sustainable transport information has been provided on the operators website and booking information/tickets, including information regarding public transport links and walking and cycling routes to the site;
 - c) Details of a monitoring framework based on an annual survey, to enable the Travel Plan to be reviewed and updated as appropriate;
 - d) Nomination of a member of staff as Travel Plan Co-ordinator.

The approved Travel Plan shall thereafter be fully implemented throughout the duration of the use of the development.

Reason: To ensure the travel demand created is satisfactorily met and to prevent undue traffic generation and promote sustainable modes of transport, to comply with policies TR4 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

5. The use hereby permitted shall not be open to customers except between the hours of 09.00 - 21.00 hours each day. No other activity associated with the approved use shall take place within the site except between the hours of 08.00 and 22.00 hours each day.

Reason: To safeguard amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6. The development hereby permitted shall not be first brought into use until a Lighting Scheme has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall:
 - (i) include details of external lighting, levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance; and
 - (ii) include evidence to demonstrate that the predicted agreed illuminance

levels have been achieved as tested by a competent person. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained for the duration of the use of the development.

Reason: To safeguard the amenities of the occupiers of adjoining properties and the character and appearance of the area, to comply with policies HE3, HE6, QD25 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

7. The materials and external appearance of the balustrade and floor of the bridge structure leading to the climbing course from the cafe roof should match that of the first floor of the café.

Reason: In the interests of visual amenity, to comply with policies HE3 and HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

8. The development hereby permitted shall not be first brought into use until a Crime Prevention Scheme has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of crime prevention in this relatively isolated seafront location, to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. Noise associated with the development hereby permitted shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:2014. In addition, there should be no significant low frequency tones present.

Reason: To protect amenity of occupiers of nearby properties and users of the seafront to comply with policies QD27 and SU10 of the Brighton and 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. With regard to the lighting condition above, the applicant is advised that unwanted artificial light can be classed as a statutory nuisance under the provisions of the Environmental Protection Act 1990. 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 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,) for zone E, or similar guidance recognised by the council. A report and certification should be submitted on completion, from a competent person to show the lighting installation complies with the guidance. 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 site is located on the seafront between Madeira Drive and the beach (and Volks Railway line). The site comprises a crazy golf course with an adjacent café that is shared with an adjoining childrens playground. The site is located within the East Cliff Conservation Area and within the setting of listed buildings (incl Madeira Terraces, Shelter Hall, Lift and Banjo Groyne).
- 2.2 The proposal is for the erection of 16.224 metre high rope climbing course above approximately a third of the existing crazy golf course. The operation of the golf course would not be affected by the proposal. The proposal comprises 7 post structures in a hexagon shape with decked/podium areas at different levels linked by cables/ropes and activities (the latter not shown on elevation). A metal staircase forms part of the scheme and the main access to the structure is via a bridge from the roof of the adjacent cafe.
- 2.3 Floodlighting is proposed (no details submitted) and the proposed hours of use are 10am-9pm daily.
- 2.4 The main change between the scheme refused last year and this, is the removal of the stair balustrade. The overall height, siting and site coverage remains the same.

3. RELEVANT HISTORY

BH2017/01748 Erection of 16 metre high rope climbing course above existing golf course. Refused 2/8/17 on grounds of adverse impact to setting of conservation area and listed buildings.

BH2014/03148 Demolition of existing cafe and erection of new single storey cafe with roof terrace (A3) in relocated position. Approved 23/3/15

BH2013/03181 Remodelling of existing adventure golf course to provide 2 x 18 hole courses including a raised level with 4 holes. Approved 11/12/13.

4. REPRESENTATIONS

4.1 Five (5) letters have been received objecting to the proposed development for the following reasons:

- a 16m high structure is not in keeping with seafront, is unattractive
- such an attraction more suited to be inland
- adverse impact to historic Georgian character and would be a blight to streetscape of the area
- anything above height of middle level would interfere with views of Madeira Terraces
- will spoil view of passers by and residents in Marine Parade
- height should be below street level
- will add to noise levels
- floodlighting will add to pollution, especially if until 9pm
- plans do not show what structure will actually look like as doesn't show ropes or people climbing
- No significant difference between this and previously refused application

4.2 Two (2) letters of comment have been received stating the proposal is out of keeping with history and ambience of Georgian architecture but do not object in principle or to height. Potential for noise and lighting nuisance. Whilst there is a need to regenerate area is sad commercial development is a council priority rather than maintenance of historic features. A scaffold with screaming children on it will blend in with general decay and shabby chic of the area.

4.3 Twenty-two (22) letters have been received supporting the scheme. Some state the following reasons (others give no reason):

- brilliant idea, inspiring for children
- is aesthetically pleasing and would be a great family addition to Madeira Drive
- it fits in with beach environment, would make this area more appealing
- effective use of golf course site
- increases healthy living
- would be amazing for local economy, would create jobs and increase tourists to the area
- such imagination and fresh attractions are definitely needed
- would complement golf course, which is a popular and well run attraction, and the Volks halfway station
- will aid regeneration of the beautiful arches by drawing trade to the area

4.4 Kingscliffe Society Objection on grounds that appearance would severely and conspicuously detract from the surrounding listed structures and would be entirely detrimental to the setting of the character of the East Cliff Conservation Area. The height and nature of the proposed apparatus would adversely affect the character along the Marine Parade promenade and moreover it is wholly inappropriate to place it on top of a golf course.

- 4.5 Conservation Advisory Group Objection** The Group note that the previous application it commented upon (and objected to) was refused. The Group repeats its view made previously, that the impact of the proposed development on existing heritage assets nearby will be adverse. In particular the proximity of the structure proposed to be over the top of the golf course, and the proposed height would also not enhance the character of the conservation area from Marine Parade.

5. CONSULTATIONS

External:

- 5.1 Historic England:** Do not wish to comment.
- 5.2 Sussex Police:** No objection Detailed suggestions are provided to improve the security and operation of the development in the interests of crime prevention in this fairly isolated location.

Internal:

- 5.3 Environmental Health:** Comment There is potential for light nuisance and this should be designed out prior to opening. Details of this can be conditioned. Also hours of opening should be restricted by condition to 10am-9pm.
- 5.4 Heritage:** Comment - Refuse for permanent permission.

Statement of Significance:

This site is in the East Cliff Conservation Area and adjacent to the grade II listed Banjo Groyne, Madeira Terraces, Lift and associated buildings, with the terraces of listed buildings along Marine Parade more distant at the higher level beyond. The impact of any development of this site would be greatest on the listed assets in close proximity to it and on the character of the conservation area, which are considered to have high historical, aesthetic and communal significance (as set out in Historic England's document 'Conservation Principles, Policies and Guidance':

Historical value derives from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative. Aesthetic value derives from the ways in which people draw sensory and intellectual stimulation from a place. Communal value derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Communal values are closely bound up with historical (particularly associative) and aesthetic values, but tend to have additional and specific aspects.

The Madeira Terrace is of international significance as it is thought to be the longest cast iron structure in the world spanning some 850 metres and comprising of 151 arches. The green wall which predates the Terrace and sits behind, is one of the oldest, longest and most important green walls in the country. It is the backdrop for many iconic British films including Brighton Rock, Quadrophenia and Genevieve. It is the finishing point for the London to Brighton Veteran Car Run. The lift tower is very much centre point of this composition, and its height in comparison with the linear nature of the arches structure and

the openness of the beach provides an important punctuation point to this part of the seafront.

The East Cliff Conservation Area is significant for its clear association with the growth of Brighton as a Regency and Victorian seaside resort. It retains its historic street pattern, with terraces developed in relatively uniform building styles. The seafront is the grand face of East Cliff and the southern side of Marine Parade remains a broad promenade overlooking the Madeira Terrace, Madeira Drive and the wide shingle beaches with the only significant built development being the Aquarium Terraces at the far western end, although small scale leisure related buildings are present in the vicinity of the application site.

The East Cliff Conservation Area Study and Enhancement Plan dates from 2002 and states:

The expanse of open beaches is an integral element of the setting of the buildings and the seafront amusements at Peter Pan's Playground partly detract from it. This clutter of structures is also a discordant element when viewed from above but the Volks Railway line at least provides a logical, and historic, southern boundary.

Regarding future developments here it states:

Single storey buildings only will be appropriate, with careful attention paid to the design and material of the roofs, and no amusement or ride should exceed the pavement height of Marine Parade, including when in use.

Since this time the Yellowwave beach volleyball facility has been developed, the playground updated and the crazy golf course built.

The site is currently part of the crazy golf course, set between open beach to the south and the more formal setting of Madeira Drive and Terraces to the North.

The Proposal and Potential Impacts

The existing business is part of a localized enclave of formal leisure activities. This proposal is for an additional visitor attraction to be provided at high level above the existing crazy golf course and as such a new venture to attract a slightly different customer group is not considered out of place.

The application follows the refusal of a similar scheme under application BH2017/01748, and pre-application advice was provided to the applicants prior to submission of the current application. As a result some amendments have been made to increase openness by removing some of the features within the structure, such as the stair balustrade however the overall scale and site coverage is unchanged from the previous scheme, and the advice to reduce the bulk of the stair and platform features with the use of slim metal mesh rather than solid timber has not been taken up.

The proposal still involves an extremely high structure that will sit above approximately 1/3 of the area of the golf course. As such it would stand considerably higher than all other beach level developments. The height of the lift tower in comparison with the linear nature of the arches structure and the

openness of the beach adds to its prominence and the presence of another tall structure would be seen by the Heritage Team as a detracting element despite its open character.

Coupled with its extensive site coverage the development would be very prominent not only in views from Madeira Drive and the beach at long and short distances, but also from above in Marine Parade, where this structure would rise above the height of Marine Parade street level and impact on the openness of the sea view from Marine Parade, which is currently uninterrupted by anything other than the historic Madeira Lift Tower and shelter.

It is considered that new structures higher than the middle level of the Madeira Terraces have the potential to harm the setting of the listed buildings and the character of the conservation area, and this has been the guideline used when considering other proposals in this area in recent years and there has been no breach of this parameter with new developments.

The Planning Statement submitted with this application sites historic precedence for tall structures on this site as the former funfair use and mention is also made of the short lived historic 'Daddy Long Legs' attraction however the length of time since these existed is considered to severely limit their relevance to this case.

The proposed attraction is considered suitable for the seafront in terms of its use and would add to the range of family-based leisure attractions already operating in this area in accordance with policy SA1. Increasing footfall along the Eastern Seafront and reducing seasonality would support other businesses and could encourage investment in this area which is seen as desirable where it would support the City Council's aims to restore the historic Madeira Terraces. However this needs to be balanced against identified harm that a tall structure would have on the setting of the listed buildings and the character of the conservation area. Clearly the height of this attraction is fundamental to the proposed use and this is where the conflict lies.

There is conflict also with Local Plan Policy SR18 which states that new recreation facilities which are related to seafront / coastal activities will be permitted on the seafront provided that:

- c. any development does not have a detrimental impact on strategic views along the coastline;*
- d. the development makes a considered response in its design to the visual and environmental character of the stretch of seafront to which it relates, supported by a design statement which addresses that character;*
- g. the development will not have an adverse impact on the setting of important seafront buildings;*

The submitted Heritage Statement claims that 'being below the existing buildings on Marine Parade the impact on the important designated buildings will be lessened' however the Heritage Team disputes that this will reduce the impact on Madeira Terraces, Lift Tower and Banjo Groyne.

The Heritage Team does not agree with the statements that 'The building is subordinate to the listed building in terms of scale and situation and will be distinguishable through its frontal location and contemporary industrial appearance' and 'The subject site does not face any immediate examples of built mass or scale and it is only the context of the Terrace which is of relevance. Yet the width of the intervening road and subsequent distance from one to the other is such that the impact may be said to be less than direct.' and the Heritage Team would note that the distance of the proposed structure from the listed Terrace is little more than the height of the proposal itself. Neither does the Heritage Team agree that 'It would stand in relation to all other beach level developments and pending on the distance of the receptor point would not appear to overwhelm the heritage assets in its context. It would not be dominant in views from Madeira Drive and the beach at long and short distances, nor from above in Marine Parade.' Nor that it 'will help transform the current blank and unbalanced neutrality of the subject site to something that bestows symmetry and is attractive.'

The Heritage statement also claims that 'In order to respect the special character of the street and the architectural significance of many buildings that surround it, the proposed structure has been reduced in height' and 'In response to comments from the Council about the negative impact additional height would have on the street-scene and the setting of the listed buildings, the former scheme has been scaled back' however this application is for a 16m high frame, as was the previous refused scheme. There are other discrepancies in the statement such as the claim that 'Although twice the height of the café, it sits within a shared composition with the Marine buildings, the terrace embankment and the tops of the pavilion buildings on the terrace'. However the structure is actually closer to five times the height of the café.

The Heritage Team disagrees that 'The proposed development could have no potential for adverse effect on its setting and as such the heritage setting impact would be 'neutral'. The Statement claims that 'The proposed new building will bring improvements to the public realm' however there are no associated proposals beyond the new structure itself and the existing golf course will remain, therefore new proposal is an addition only and will not replace any existing feature with a more appropriate structure.

It is therefore considered that this proposal would have a harmful impact on the openness of Madeira Drive and the beach, the character of the East Cliff Conservation Area and on the setting of the listed structures nearby.

It is considered that the harm that would be caused would be less than substantial, however in accordance with paragraph 134 of the NPPF it is still necessary for any harm to be outweighed by benefits from the scheme. It is not considered that the scheme currently has any heritage benefit to be weighed against the harm identified, although the Heritage Statement claims that 'The conservation benefit of the proposal effectively sees imagination in the design process and how the new relates to historic features in the wider area and to the surrounding context. This aims to minimise conflict and bring greater clarity to a

site at an important point that forms a visual junction in the street and an important part of the setting for the Terrace.'

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local authority shall have special regard to the desirability of preserving a listed building or its setting when considering an application for Planning Permission, and Section 72 requires that the local authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. 'Preserving' means doing no harm.

There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a conservation area, listed building or its setting. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the conservation area, listed building and their settings.

In the absence of heritage benefits the Heritage Team is therefore not able to support this application in its current form.

Mitigation

It is acknowledged that the open nature of the proposed structure differs from any previous application for development of other sites along this stretch of seafront, the likes of which have been successfully limited to single storey structures.

This application has been submitted at a time of flux regarding the future of this part of the seafront. Serious activity is in progress regarding securing the future of the historic terraces and the improvement of the public realm involving refocusing on the area as an important link between activities along the Seafront. A means of contributing to the current campaign to secure the future restoration of the historic Madeira Terraces and improvement of the public realm could be seen as a heritage benefit to weigh against the identified harm, and the case officer may consider that coupled with such measures approval for a temporary period may be appropriate as an exceptional case.

The Heritage Team reiterates that this scheme is not considered appropriate as a permanent development and would be likely to object to the extension of any temporary approval in the future.

- 5.5 Seafront Team:** Support Proposal will complement the surrounding leisure uses such as Yellowwave and Volks Railway. It would provide another offer for families visiting Brighton and local residents and would help drive footfall along Madeira Drive.
- 5.6 Sustainable Transport:** No objection There is no information with regard to potential visitor demand and therefore it is not possible to fully assess the demand for travel. The scheme is however relatively small scale and it is noted that it will be restricted to a temporary consent. Most trips are likely to be linked

trips. It is located on the main seafront pedestrian promenade, and there is cycle parking, and car parking in the vicinity. Bus services are available on Marine Parade above. To promote sustainable modes, a Travel Plan should be submitted for approval, and implemented.

- 5.7 Tourism:** Support in principle. The proposal has much merit and will positively enhance the city's facilities in Madeira Drive both for residents and visitors. The proposal would enhance the leisure offer of the area and would potentially attract and support tourism outside of the main season, which is always encouraged. It would drive visitors onto East Brighton seafront and to the Marina. In the face of current economic uncertainty it is critical that we continually seek to innovate the city's facilities in order for our tourism to remain competitive.

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

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.

- 6.2** 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
- SA1 The Seafront
- CP5 Culture and tourism
- CP9 Sustainable transport
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage
- CP17 Sports provision
- CP18 Healthy city

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU10 Noise Nuisance
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD14 Parking Standards

Other Planning Documents:

East Cliff Conservation Area Study and Enhancement Plan 2002

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to:

- The principle of locating the use in this location
- The impact to tourism and the economy
- The impact to the setting of the East Cliff Conservation Area and nearby listed buildings
- The impact to amenity
- Sustainable transport

8.2 Planning Policy:

Principle of the use in this location:

Policy SA1 'The Seafront' of City Plan Part One states that the council will encourage regeneration of the seafront and that proposals should support the year round sport, leisure and cultural role of the seafront for residents and visitors whilst complementing its outstanding historic setting and natural landscape value. Proposals should ensure a good marine environment, enhance biodiversity and consider options for small scale renewable energy provision.

The policy sets out priorities for the whole seafront which include enhancement of public realm, provision of adequate facilities for residents and visitors, improvements to beach access and the shoreline and ensuring the seafront is accessible for everyone. Securing high quality architecture which complements the natural heritage of the seafront and historic built environment in identified as a priority.

SA1 identifies specific priorities for the area of the seafront east of Palace Pier to the Marina and states development should:

- Deliver the regeneration of Madeira Drive as a centre for sports and family based activities supported by a landscape and public art strategy which also provides for an improved public realm and conservation and enhancement of the historic and nature conservation features present in this location;
- Safeguard the vibrant and important event space at Madeira Drive as this presents a unique location for a mix of cultural, sport and leisure activity to take place;

- Improve beach access and seafront access for pedestrian and cycle users, linking with access improvements at the Marina/Black Rock.

City Plan policy CP5 is relevant as it relates to culture and tourism. Its key priority is to maintain and enhance the cultural offer of the city to benefit residents and visitors. It aims to support the role the arts, creative industries and sustainable tourism sector has in creating a modern and exciting visitor destination with a range of high quality facilities, spaces, events and experiences. New visitor attractions will be expected to:

- Be of a high environmental standard in terms of design, management and access;
- Complement and build on the city's distinct tourism offer;
- Contribute to a sense of place;
- Reduce seasonality;
- Promote diversity;
- Widen local access;
- Support the regeneration of the city and benefit the city's economy; and be accessible by public transport.

City Plan CP17 states the council's aspiration to increase participation in sports and physical activity, and seeks to safeguard, expand, enhance and promote access to Brighton & Hove's sports services, facilities and spaces. Supporting para 4.193 states that The Open Space, Sport and Recreation Study (which forms part of evidence base of City Plan) suggests that the council should explore the provision of additional adrenaline or less conventional sports facilities, such as climbing/bouldering, ultimate Frisbee and skating.

City Plan Policy CP18 seeks to promote healthier lifestyles.

Policy SR18 of the Brighton and Hove Local Plan is relevant as it relates to seafront recreation. This states that new recreation facilities which are related to seafront/coastal activities will be permitted on the seafront provided that:

- There will be no development onto the beach;
- The importance of the seafront and beach as an open space is not undermined;
- Any development does not have a detrimental impact on strategic views along the coastline;
- The development makes a considered response in its design to the visual and environmental character of the stretch of seafront to which it relates, supported by a design statement which addresses that character;
- The development does not have a harmful impact on the amenity of local residents and the seafront due to noise, disturbance and light pollution;
- The development will not result in the significant generation of car borne journeys, nor additional pressure for car parking;
- The development will not have an adverse impact on the setting of important seafront buildings;
- The development does not have an adverse impact on nature conservation interests; and
- Any development enables the beach and seafront to be accessible to all.

Whilst not currently a material consideration, City Plan Part Two is currently emerging and will be out to consultation this summer. It is anticipated it will provide a step towards a coordinated strategy for future development along this part of the seafront to guide development proposals and prevent harmful ad hoc schemes, in the interests of preserving the special character and appearance of the area.

Given the policy context outlined above, the proposed leisure use is considered acceptable in principle given that it would deliver a family/sports based activity in a location where this is encouraged. In addition, the City Plan identifies a shortage of adrenaline type sports within the city and there is a council aspiration to promote healthier lifestyles. The proposal would make effective use of an existing leisure site and would not compromise the existing use, which is positive in principle. The proposed use would comply with policies CP5 and SR18 in principle as it would add to the overall visitor offer of the seafront and boost the economy. Such a use could complement existing businesses and help draw people towards this relatively underused part of the seafront which is in need of regeneration. The proposal could operate all year round, which reduces the seasonality of the seafront and is positive. The proposal is supported in principle by both the council's Seafront and Sports Facilities Teams. The positive benefits of the scheme are therefore given significant weight.

Policies CP5 and SA1 do, however, recognise the relationship of the wealth and importance of the city's historic environment with tourism and cultural industries in the city. The NPPF recognises the positive contribution that conservation assets can make to sustainable communities including their economic vitality. The seafront has been, and always will be, the 'shop window' of Brighton & Hove therefore development has to be of the highest quality to be successful. Whilst the proposal complies with certain aspects of policy, it is considered to conflict with others by reason of its appearance, and this is discussed in detail below.

8.3 Design and Appearance:

With regard to design and heritage, policies CP12, CP13 and CP15 of the City Plan Part One and policies HE3 and HE6 of the Brighton & Hove Local Plan are relevant. City Plan policy CP12 expects all new development to be built to a high quality standard and seek to ensure places that are created are safe, and incorporate design features which deter crime and the fear of crime. CP15 states that the city's historic environment will be conserved and enhanced in accordance with its identified significance, giving the greatest weight to designated assets. Local Plan policies HE3, HE6 and HE9 seek to conserve or enhance the setting of Conservation Areas and Listed Buildings.

The Council has statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to development affecting listed buildings and conservation areas:

S66 (1) "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability

of preserving the building or its setting or any features of special architectural or historic interest which it possesses";

S72(1) "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2) [N.B. these include the Town and Country Planning Act 1990], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The National Planning Policy Framework (NPPF) states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness (para 131).

Para 132 of the NPPF 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The NPPF states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The character and appearance of this part of the East Cliff Conservation Area is cited in the formally adopted East Cliff Conservation Area Study and Enhancement Plan 2002, and this document is a material consideration.

Paragraph 3.3.4 of the Study states *the southern side of Marine Parade remains a broad promenade overlooking the Madeira Terrace, Madeira Drive and the wide shingle beaches with the only significant built development being the Aquarium Terraces at the far western end. It is generally uncluttered by modern street furniture etc. but the grade II listed 1890s lamp columns on the pavement edge and the late 19th century seafront shelters and early 20th century wooden benches add to its traditional seaside appearance. The expanse of open beaches is an integral element of the setting of the buildings and the [former] seafront amusements at Peter Pan's Playground partly detract from it. This clutter of structures is also a discordant element when viewed from above but the Volks Railway line at least provides a logical, and historic, southern boundary.*

Paragraph 3.3.6 states: *The seafront shelters, Madeira Terrace and Covered Walkway, the Shelter Hall and Lift and below that the wide, straight southern pavement of Madeira Drive all evoke traditional seafront promenading. The continuous line of wide, uncluttered beaches contribute significantly to this*

character. And paragraph 3.3.7 states: ...part of the seafront relates more to the brasher seafront pleasures of the Palace Pier, and includes the Aquarium Terraces and Colonnade and the beaches immediately east of the Pier. Any further intensification of this commercial brashness would, however, be detrimental to the special character of the seafront. It should be noted too that the seafront as a whole has a different character in summer to that of the winter. The influx of summer visitors gives this sub-area a lively character, which contrasts with a more sedate atmosphere during the winter months.

The changes between the current scheme and that previously refused are minimal, and whilst they are an improvement, the fundamental aspects of the scheme, namely its overall scale/height/siting, remain the same. The reasons behind the minimal changes are understood, as it is appreciated that for a climbing attraction to actually work, it does require significant height.

Given the minimal changes, it is considered therefore that previous concerns expressed remain relevant. As can be seen by the comments made by the council's Heritage Team, there are significant concerns regarding the visual impact of the proposal. The overall scale, very tall height and rather cluttered, utilitarian design of the proposal are such that it would appear incongruous and overly dominant and would have a poor relationship with the listed Madeira Terraces adjacent. The structure would appear overbearing in terms of the middle promenade level and detract from its significance, and it would also appear very tall in relation to the upper promenade. Generally, it is considered that any beach level development that rises above the height of the middle promenade level has potential to have a harmful impact. The impact is somewhat lessened by the fact it is a rather lightweight structure and is not a conventional building, however, the excessive height and site coverage mean it would have a harmful impact on the openness of Madeira Drive and the beach, and the character and appearance of the East Cliff Conservation Area in addition to harming the setting of the listed structures nearby. Lighting the proposal would only add to this impact.

The harm identified is however considered to be less than substantial, and the NPPF does advise that a judgement can be made as to whether the public benefits of the scheme are sufficient to outweigh the concerns. On balance, it is considered that there are very exceptional circumstances in this instance to do so - but only for a temporary period. This area of the seafront is currently in a state of flux and in some decline, and is identified as being in need of significant regeneration. The regeneration of the Madeira Terraces is at a very early stage. There are no permanent proposals for the former Peter Pan Amusement site to the west of Yellowwave. Black Rock remains undeveloped. The area is clearly in need of a boost and will need to change and adapt to present circumstances.

Serious activity is in progress regarding securing the future of the historic terraces and the improvement of the public realm involving refocusing on the area as an important link between activities along the Seafront. As stated by the Heritage Team, enlivening this area could help towards the current campaign to secure the future restoration of the historic Madeira Terraces and improvement of the public realm, which could weigh against the identified harm. Also, it is

considered that significant weight may be given to the wider benefits of a new visitor attraction here to the overall regeneration of the area, and to tourism and the economy in general. It is therefore considered that whilst some harm would remain, it may be outweighed in this instance on a temporary short-medium term basis, until such time as there is co-ordinated regeneration and the delivery of permanent, quality and sympathetic development for this area of the seafront. The proposal would not be considered acceptable as a permanent form of development given that it would detract visually from the area and thus prove counterproductive to the long-term aspirations for the area. A condition restricting permission to a temporary period of approximately 6 years (6 summer seasons) until October 2024 is considered an appropriate timeframe given the stage which other projects are currently at in the area. It is anticipated this time period should coincide with the completion of last (Phase 3) of the Maderia Terraces regeneration project at the eastern end of the Terraces, and tie in with the review of Part One of the City Plan.

8.4 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.

As this is a seafront location, nearby residential properties are some distance away at the upper promenade level on Marine Parade. There are already several leisure uses in this location which generate activity. Therefore there is no objection in principle to the proposal from an amenity point of view. No details of lighting have been provided but a condition can ensure brightness is not excessive. The suggested opening hours for the leisure use (10am-9pm) would be reasonable in this location. Given that no harm would be caused by a slightly earlier start, a condition is recommended to allow opening from 9am, to give a degree of flexibility as 10am could be unduly restrictive and is not considered necessary from an amenity point of view. A condition can control potential noise from amplified music or PA systems etc. The Environmental Health Team raise no objection, subject to the imposition of conditions restricting opening hours and to secure an appropriate lighting scheme. Loss of view is not a material planning consideration. It is not considered the attraction will unduly affect the use of the naturist beach close by, or compromise users of the climbing structure. It should be noted the Seafront Team raise no objection to the proposal.

8.5 Sustainable Transport:

With regard to transport, City Plan policies CP9 (Sustainable Transport) and Local Plan Policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle access and parking), TR15 (Cycle network), TR18 (Parking for people with a mobility related disability) are relevant. These seek to ensure development is safe, meets the demand for travel it creates and maximises use of sustainable modes. TR15 states that development that affects proposed or existing cycle routes should protect and enhance their alignment, and identifies the seafront

National Cycle Route 2 as a key route. SPD14 sets out maximum parking standards for development and minimum standards for disabled parking.

Given the location of the site on the seafront and next to other facilities, it is considered that the majority of trips to the proposal would be linked trips and not new trips in their own right. The site is well located to take advantage of cycle routes and walking networks, and there are bus routes on Marine Parade. There is also car parking adjacent. A Travel Plan is recommended by condition to promote sustainable modes of travel to the site. The proposal would therefore comply with relevant transport policies. The Sustainable Transport Team raise no objection to the proposal.

8.6 Other Considerations:

The site is relatively isolated in terms of location and therefore crime prevention will be important. There is an existing fence at the site, however, given the comments of Sussex Police, a condition is recommended to secure additional security measures as part of the proposal.

9. EQUALITIES

9.1 Given the nature of the leisure use proposed there would be no disabled access.

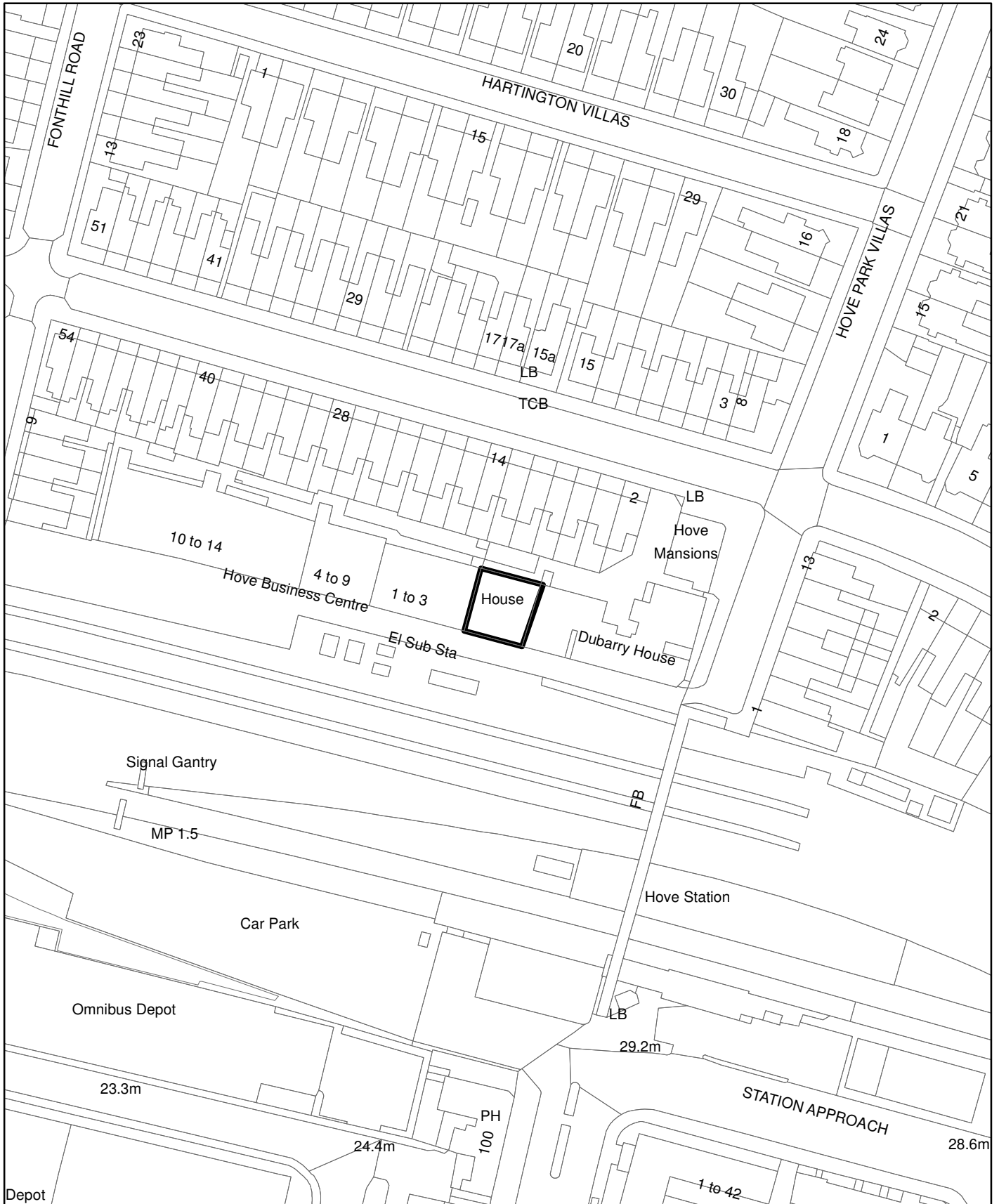
ITEM F

Microscape House, Hove Park Villas, Hove

**BH2018/01221
Full Planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/01221 Microscope House Hove Park Villas Hove



Scale: 1:1,250

<u>No:</u>	BH2018/01221	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Microscape House Hove Park Villas Hove BN3 6HX		
<u>Proposal:</u>	Alterations and extension to third floor flat, including increase to ridge height, following prior approval application BH2016/05473 for change of use from offices (B1) to residential (C3) to form 7no flats. (Part retrospective).		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	30.04.2018
<u>Con Area:</u>	Adjacent to Hove Station	<u>Expiry Date:</u>	25.06.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	FR Properties (Development) Ltd Brighton BN41 1DH	77 North Street	Portslade

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	Y0263-001		18 April 2018
Sections Proposed	104-08	P4	26 June 2018
Elevations Proposed	104-06	P6	26 June 2018
Elevations Proposed	104-07	P3	15 June 2018
Floor Plans Proposed	104-05	P2	18 April 2018

2. Access to the flat roof to the rear at third floor level shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. The external finishes of the development hereby permitted shall be in accordance with the materials schedule set out in the email titled Planning Application BH2018/01221 - materials from the agent dated 28 June 2018.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton & Hove Local Plan and CP12 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 application relates to the top floor of a former four storey office building known as Microscape House. The top floor is a non-original addition which is set back from the front and rear elevations. The site is part of a larger row of buildings which are locally listed. The buildings face towards the listed Hove Railway Station across a service road and parking area. To the rear, the building backs onto a rear yard and then the rear of the properties on Newtown Road and their respective gardens. The Hove Station Conservation Area is located immediately south of the site.

- 2.2 Planning permission is sought for the following:

- Increase to the height of the third floor by 250mm to the front and 200mm to the rear,
- Revised fenestration to the front elevation,
- Full width extension to the rear to a depth of 1.6m with new fenestration,
- Removal of existing lift overrun tower to the rear elevation and erection of new lift overrun tower to the centre of the roof.

3. **RELEVANT HISTORY**

BH2016/02328 - External alterations including new entrance, removal of rear fire escape and revised fenestration following prior approval

application BH2016/05473 for change of use from offices (B1) to residential (C3) to form 7no two bedroom flats. Approved 3 February 2017.

BH2016/05473 - Prior approval for the change of use from offices (B1) to residential (C3) to form 7 flats. Approved 24 November 2016.

Hove Business Centre (adjoining site)

BH2014/03742 - Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works. Allowed on appeal (non-determination) 6 December 2016.

BH2017/03863 - Creation of additional floor to provide 4no office units (B1) with associated works. Currently under consideration.

4. REPRESENTATIONS

4.1 Fifteen (15) representations have been received, objecting to the proposed development for the following reasons:

- It would materially alter the alignment of the building and would have a detrimental impact,
- Works have started without planning permission,
- Loss of sunlight and natural light, especially in spring, autumn and winter,
- Additional overlooking / loss of privacy,
- Building line would be closer to the properties on Newtown Road,
- A high number of planning applications have been submitted on the building in current years and resident's concerns have not been taken into account,
- Scheme puts financial gain over impact on neighbouring properties,
- The applicant already has permission for an adequate top floor flat and this enlargement is unnecessary,
- Sets an unwanted precedent for future development on the wider building,
- Rear garden of adjoining property will become less usable and the paving more slippery due to receiving less sunlight,
- Sense of claustrophobia,
- Increasing size of flat would have the potential for more cars and this could result in parking and road safety issues,
- Any new building on top of the original perfumery building will harm its appearance,
- Increased noise, disturbance and nuisance,
- Concern that the proposal would contravene Article 8 of The European Convention on Human Rights (ECHR),
- No light report submitted,
- Uncertainty as to whether a site visit has been undertaken by the council,
- Detrimental effect on property value,
- Overdevelopment,

- Overshadowing,
- Inappropriate height,
- Reduction of jobs in the city,
- Concerns with the Planning Committee process,
- Would spoil the skyline and aesthetics of an iconic building,
- Alterations are out of character,
- Restriction of view,
- Inadequate consultation to the neighbours to the rear.

5. CONSULTATIONS

5.1 Heritage: - No objection

The rear (north elevation) of this building is far more utilitarian than the front and has also been more affected by alterations and fire escapes. Alterations to the south elevation will be clearly visible from the railway station car park and the elevated vantage points of the railway platforms and public footbridge, therefore the impact of this proposal on the South elevation is considered to be the principal consideration.

A strong characteristic of the front of this building is the varied yet harmonious treatment of the elevation in sections, in particular the roofline which for one section has a distinctive curved parapet.

It is noted that the elevation of the proposed additional floor has been divided to reflect the window rhythm on the lower floors; an approach that has been encouraged with previous proposals.

It is noted that the glass balustrade to the southern terrace is an existing feature therefore although the use of glazed balustrading has generally been seen as a detracting element and has been discouraged in the past, it is not proposed to object to this element.

It is considered that a brise soleil would add an uncharacteristic feature to the roofline of this building and could not be supported by the Heritage Team.

Revised drawings were received during the application which omitted the brise soleil to the front of the building and as such there is no objection from the Heritage Team.

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

CP12 Urban design

CP15 Heritage

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

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas

HE10 Buildings of local interest

TR1 Development and the demand for travel

TR7 Safe Development

TR14 Cycle Access and Parking

8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the proposal on the design and appearance of the building and the wider surrounding area, including the setting of the Hove Station Conservation Area to the south and the impact on neighbouring amenity.

8.2 A prior approval application (BH2016/05473) for the change of use from office to seven residential flats was granted in November 2016. This included a single residential unit on the top floor which is subject to this application. It was noted on site that much of the conversion has taken place with the residential flat layouts set out internally. To the top floor the roof had been increased in height and the rear wall set back. It is considered that the works to convert the building to a residential use have progressed to a stage whereby the office use has ceased. This application relates solely to works to alter the approved third floor flat.

8.3 **Design and Appearance:**

- 8.4 The roof has been increased by 250mm at the front elevation and aligns through to the same height as the existing parapet to the adjoining building to the east. The sliding doors would be revised to better align with the fenestration on the lower floors, similar to the approved planning application (BH2016/02328). The rear wall has been set back 1.6m to the north with the overall height increased by 200mm.
- 8.5 The works are considered to result in a more coherent appearance to the principal southern elevation. The works to the rear would not be visible from the public domain and are again considered to be acceptable.
- 8.6 The external works in their entirety are relatively minor in nature and are considered to have an acceptable impact on the appearance and character of the locally listed building and the wider Hove Station Conservation Area and are considered to be acceptable in accordance with development plan policies.
- 8.7 The Heritage Team have accessed the application and have no objection to the proposal.
- 8.8 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.
- 8.9 The main consideration is whether the increase in depth of the third floor by 1.6m, in conjunction with the increase in height of the roof to the rear of 200mm would result in harm to the residential amenity of the occupiers to the rear in Newtown Road.
- 8.10 A site visit clearly indicated that the extended top floor would be visible from the ground floor windows and also the rear half of the gardens of the properties directly to the rear on Newtown Road. Whilst the altered top floor was visible it is considered that the set back of 3.4m from the rear elevation in conjunction with the relatively minor increase in height is such that there would not be an unacceptably overbearing or enclosing impact or a significant loss of outlook to neighbouring properties to the rear.
- 8.11 Whilst the extended top floor would be set approximately 1m higher than the roofline at the adjoining property to the east, the 3.4m set back from the rear elevation would help to screen the extended top floor from views from the north east.
- 8.12 It is noted that there is an extant planning permission for an additional storey to the adjoining building to the west (Hove Business Centre).

The additional storey would be set back between 3.1m and 2m from the rear elevation of the building.

- 8.13 Whilst the roofline at the application site would be approximately 200mm higher than the extant scheme at Hove Business Centre the greater set back (3.4m) from the rear elevation would ensure that it would have a reduced impact on neighbouring amenity than the extant scheme.
- 8.14 A sunlight and daylighting study was submitted with the Hove Business Centre application which demonstrated any negative impact on sunlight and daylight was relatively minimal.
- 8.15 In the context of the existing third floor storey at the application site and the existing and consented built form to both of the adjoining properties it is not considered that the proposal would result in any significant loss of light or overshadowing to the properties to the rear and the proposal is considered to be acceptable in this regard.
- 8.16 It is further noted that the former lift overrun structure has been removed and relocated to the centre of the roof which would result in a minimal reduction in the massing of the application property to the rear.
- 8.17 Whilst there is extensive glazing to the rear of the building and the wider terrace it is acknowledged that additional glazing at third floor level could increase levels of overlooking towards the properties to the rear. As such a condition is suggested to ensure any parts of the windows to the rear below 1.7m above the internal floor levels are obscure glazed and fixed shut.
- 8.18 A condition is also suggested precluding access to the flat roof to the rear other than for maintenance in order to protect neighbouring amenity in regards to privacy and the potential for noise disturbance.
- 8.19 Overall the application is considered to result in an acceptable impact on neighbouring amenity in accordance with the policy QD27.

8.20 Sustainable Transport:

The proposal involves a relatively minor increase in floorspace over and above that already consented and as such it is not considered to result in any significant transport or parking impacts.

9. EQUALITIES

- 9.1 None identified.

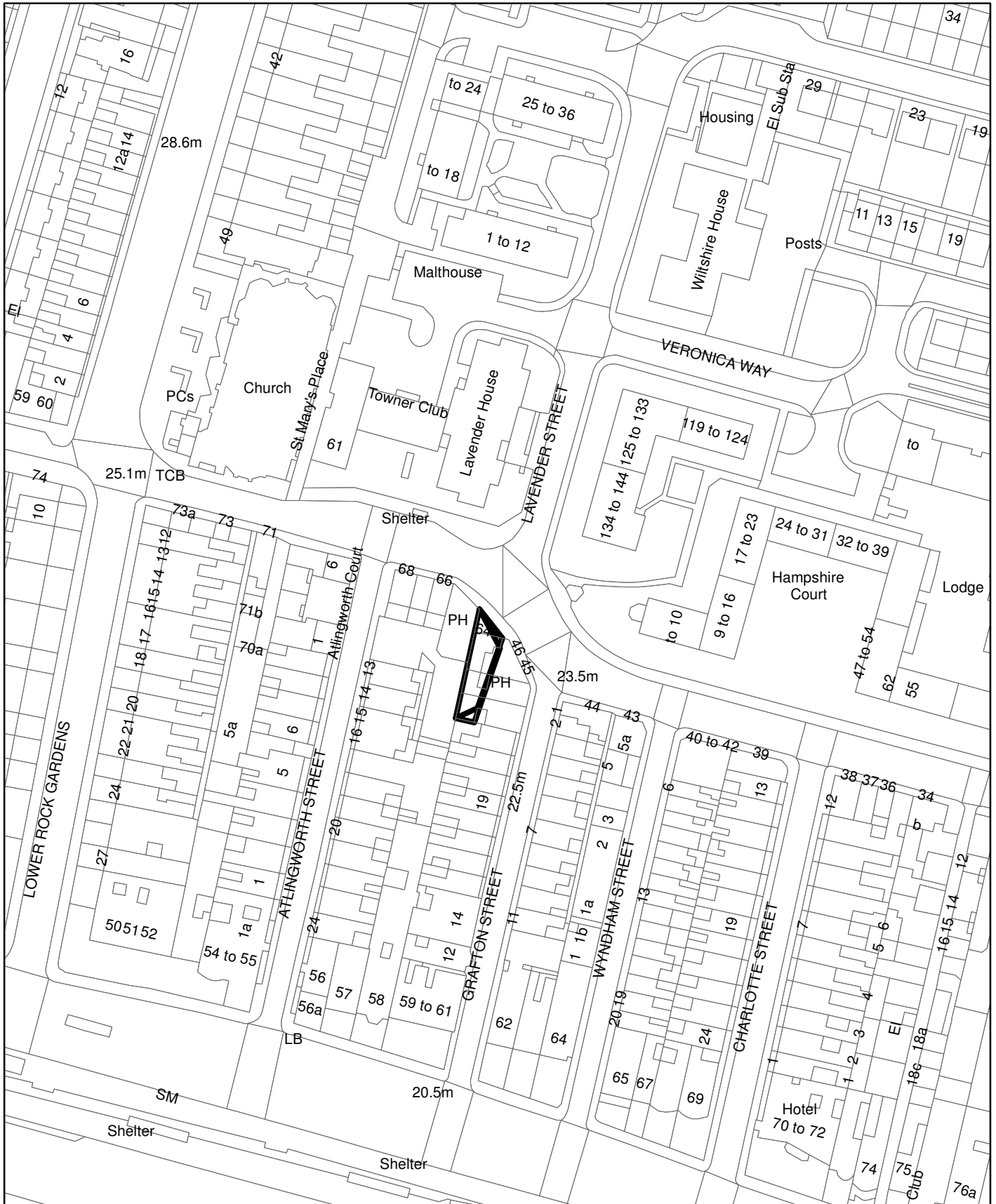
ITEM G

64 St James's Street, Brighton

BH2017/04113

DATE OF COMMITTEE: 18th July 2018

BH2017/04113 64 St James's Street Brighton



Scale: 1:1,250

<u>No:</u>	BH2017/04113	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	64 St James's Street Brighton BN2 1PJ		
<u>Proposal:</u>	Part demolition of existing building. Erection of three storey extension to front elevation and creation of additional storey to rear elevation to facilitate enlargement of studio apartment to two bedroom apartment and associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	16.01.2018
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	13.03.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Ian Boyd Flat 3 32 Sussex Square Brighton BN2 5AB		
<u>Applicant:</u>	Miss Laura Lockwood 7 Howick Place London SW1P 1BB		

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	064_01		13 December 2017
Block Plan	064_02		13 December 2017
Existing Floor Plans	064_03		16 January 2018
Existing Elevations	064_04		16 January 2018
Floor Plans Proposed	064_05	C	23 April 2018
Elevations Proposed	064_06	C	23 April 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The extended Class A2 use hereby permitted shall not be open to customers except between the hours of 08:00 and 21:00.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan

4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. 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 brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externallyDevelopment 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 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. No development above ground floor slab shall take place until full details of the proposed external windows and doors including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, to include sections through openings indicating reveal depth and cill profiles, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

7. No development above ground floor slab shall take place until full details of the proposed elevations and sections of the proposed glazing system/shopfront at a scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. No development above ground floor slab shall take place until full details of the proposed railings including 1:20 scale elevational drawings and sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site comprises a two-storey infill structure which is located between a three storey public house to the west and a single storey building occupied by a hair and beauty salon to the east. The building fronts onto the south side of St James Street, opposite the junction with Lavender Street, and is located in St Georges Road local shopping centre, and the East Cliff conservation area.
- 2.2 Planning permission was granted in 2009 for use of the property as an A2 Estate Agents. This appears to be the last known use of the property up until August 2016. The property is currently vacant. There is a residential unit at first floor level with a roof terrace.
- 2.3 Planning permission is sought for part demolition of existing building. Erection of three storey extension to front elevation and creation of additional storey to rear elevation to facilitate enlargement of studio apartment to two bedroom apartment, enlargement of A2 unit at basement level and associated works. The A2 use would be retained at ground floor and (enlarged) basement level. A similar scheme was approved in 2012 (BH2011/036310).
- 2.4 Amendments have been received during the life of the application in response to Heritage concerns:
 - Lower overall height
 - Deletion of roof terrace
 - Copper Roof: concave shape and stronger eaves and fascia
 - Visible pitched roof
 - Deletion uPVC material windows and doors.
- 2.5 As there was a decrease in height, and no increase in massing or footprint, no further public consultation was undertaken as the amendments were not considered to be prejudicial to the determination of the application.

3. RELEVANT HISTORY

PRE2017/00194 pre-application advice on proposal to demolish the existing building (A2) and development of a single dwelling house.

BH2012/02364 Application for Approval of Details Reserved by Condition 5 of application BH2011/03631. Approved 23.07.2013.

BH2011/03631 Erection of three storey extension to create new front facade and shopfront, rear extension to create second floor above existing two storey building and installation of new windows to side of first floor studio flat. Approved 03.07.2012.

BH2009/00720 Change of use from A1 Retail to A2 Professional Office (Retrospective) - approved 21/05/2009.

BH2008/03057 Demolition of facade and infill between pub (A4) and beauticians (SG08). Forming of maisonette and A1 unit - refused 22/01/2009.

BH2008/01839 Demolition of façade and new infill between existing pub and beautician. Formation of maisonette and change of use from A1 (retail) to A2 (estate agent) - withdrawn 29.09.08.

BH2005/02398/FP Remodelling of shop front and upper parts (resubmission) - approved 25.11.05.

BH2005/00218/FP Demolition of existing shop and studio and redevelopment forming shop with maisonette over - withdrawn 07.03.05.

BH2001/02725/FP Change of use from storage to greengrocers (use class A1) - approved 10.01.02.

4. REPRESENTATIONS

4.1 Five (5) letters has been received, including one from the Regency Society, objecting to the proposed development. The main grounds for objection are as follows:

- Overdevelopment
- Poor utilitarian design
- Excessive size
- Roof terrace will cause harm to appearance
- Overshadowing
- Will obscure signage
- Impact on drains
- Loss of privacy
- Inaccuracy in plans
- Potential noise complaints due to proximity of pub
- Security impact
- Disruption from build

5. CONSULTATIONS

5.2 Heritage: No objection subject to conditions with regard to detailaing.

5.3 Sustainable Transport: No objection

- 5.4 Conservation Advisory Group: Objection** This part of the street retains its late Victorian quirkiness of styles and roof levels which presently added to the character of the CA. The proposed windows are not traditional in design, pvc not suitable and the roof terrace is not suitable in this location in the CA.

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
- CP3 Employment land
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage

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

- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD10 Shopfronts
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO9 Residential conversions and the retention of smaller dwellings
- HO13 Accessible housing and lifetime homes

- SR6 Local centres
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD02 Shop Front Design
- SPD03 Construction & Demolition Waste
- SPD09 Architectural Features
- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this planning application are the impact on the building, the impact on the character and appearance of the local centre and the East Cliff Conservation Area, highways, and neighbour amenity impact. Concerns relating to disruption during the build are noted, but this is not a material planning consideration.
- 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 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 Planning Policy:**
The site is located in the St George's Road, Kemp Town local centre. Brighton and Hove Local Plan policy SR6 (Local Centres) seeks to maintain and enhance local centres, primarily by protecting A1 uses at ground floor level. There would be no change to the composition of the local centre, with an A2 unit retained at ground floor level with residential above. Therefore there is no conflict with local plan policy SR6.
- 8.4 Design and Appearance:**
The existing unassuming building occupies a narrow plot and is lower than the terrace to the west, as well as being set back from the general frontage. It is an unusual element of the street scene, and due to the single storey property to the east it is prominent in views from the east and north east, where its long slate roof is a noticeable feature.
- 8.5 The Council's Heritage Officer has no objection to the loss of the undistinguished front façade of this building or to moving the building line forward to form a less abrupt change in line and to mask the extensive side wall of the pub and advertising panel. The curved corner is considered to be a valid approach to softening the change in building lines. Overall, subject to conditions re materials and large scale details, the design is considered to be acceptable, in terms of impact on the streetscene and conservation area.

8.6 Standard of accommodation

Whilst the Council does not yet have a policy requiring compliance with the nationally described space standards, they are a useful point of reference. The two storey, two bedroom (4 persons) standard is 79m². The proposed dwelling would measure 70m² with good levels of lights and circulation space, and with outdoor amenity space in the form of a terrace. Therefore the standard of accommodation is considered acceptable in this instance.

8.7 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.

8.8 The dwelling would be sited above an A2 premises, however this is not likely to be noisy by nature and the hours of use can be controlled by condition. There has been concern voiced by the adjacent public house landlord re potential noise impact from the pub courtyard on the new residents; this is noted, however as there is existing residential accommodation at the site, this concern is not exacerbated beyond the current situation.

8.9 The application proposes to retain an A2 unit at ground floor level, with residential accommodation retained at first floor level with a proposed additional storey of residential accommodation at second floor level. There will be several new windows proposed to the eastern elevation. These windows are not considered to give rise to any undue overlooking or loss of privacy, as they overlook a single storey building situated to the east of the site.

8.10 The first floor rear terrace associated with the existing flat is to remain unchanged and thus there would be no difference in impact from the existing situation. There is a Juliet balcony proposed at second floor level to the rear, above the existing terrace. This would provide some level of overlooking, particularly of the adjacent pub courtyard, however not in such an intensified manner so as to warrant refusal of the application.

8.11 The proposed scheme includes a larger building on the site of the existing by virtue of the forward and upward extensions. These could have implications in terms of overshadowing, loss of light and overbearing impact. However, taken in context with the surrounding buildings, a three storey public house to the west and a single storey retail unit to the east, this ensures that there would be no direct impacts on residential properties. As such the proposal is acceptable in these respects.

8.12 Sustainable Transport:

The proposals may result in a slight uplift in trips; however, it is not considered that this will have a significant impact upon surrounding highway and transportation networks.

- 8.13 No parking is proposed; however, there is an existing dwelling on site and it is not considered that likely levels of additional on-street parking demand arising from the enlargement of the dwelling could be deemed to amount to a severe impact on the highway in this location.
- 8.14 The applicant appears to be proposing no cycle parking. This proposal would require a minimum of 2-3 spaces in accordance with Parking Standards SPD14. However it is unlikely that such parking could be provided due to site constraints. The Council's Highways team has no objection to scheme on this basis.

9. EQUALITIES

- 9.1 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. However step-free access to the (new-build) dwelling is not achievable as it is on the first/ second floor.

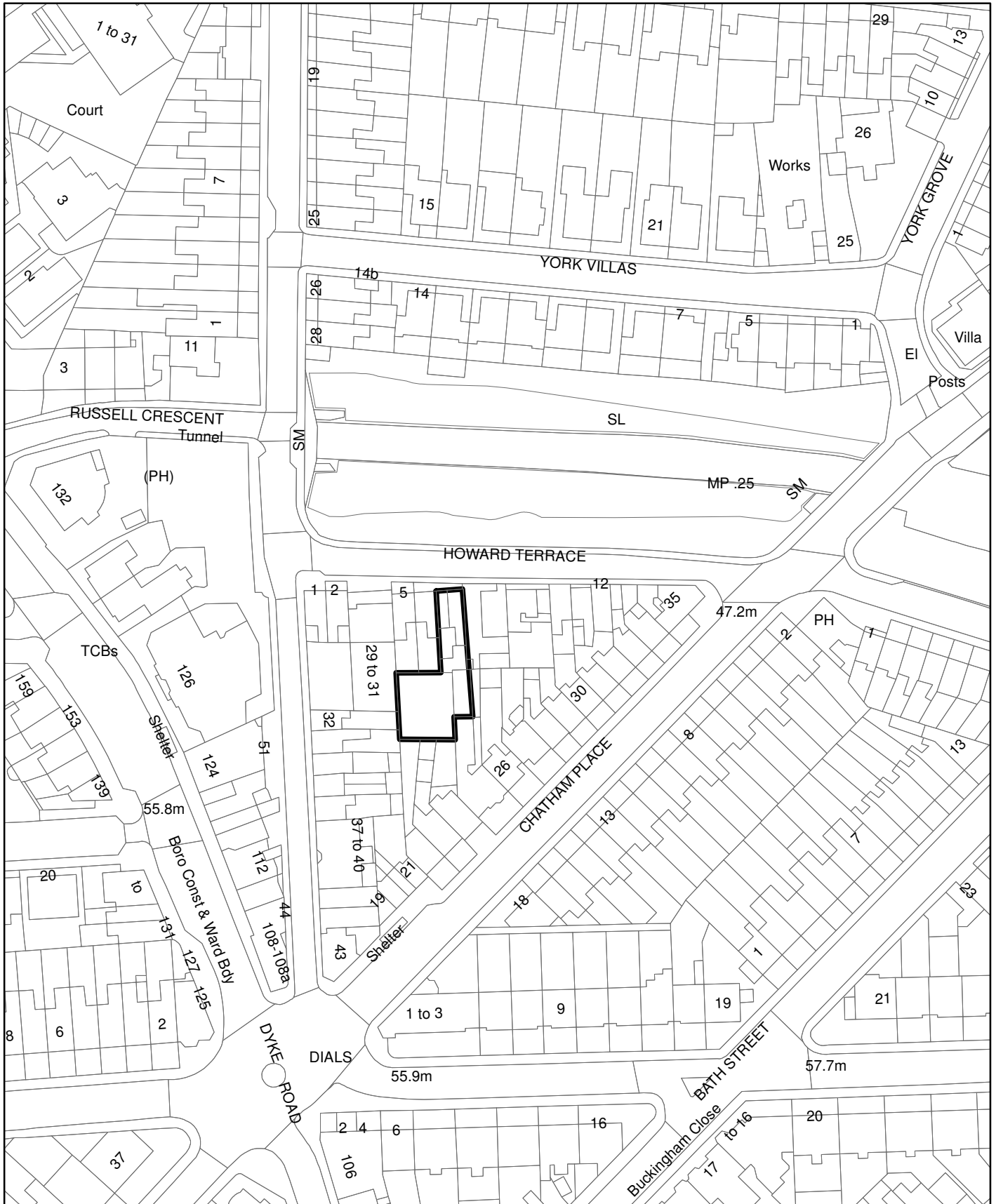
ITEM H

7 Howard Terrace, Brighton

BH2017/03648

DATE OF COMMITTEE: 18th July 2018

BH2017/03648 7 Howard Terrace Brighton



Scale: 1:1,250

<u>No:</u>	BH2017/03648	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Howard Terrace Brighton BN1 3TR		
<u>Proposal:</u>	Change of use and part demolition of existing storage buildings (B8) to form of 1x one bed flat, 1x two bed flat, 2x three bedroom houses, cycle storage and associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	03.01.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	28.02.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Colston Trustees Ltd C/O DowsettMayhew 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.

Plan Type	Reference	Version	Date Received
Sections Proposed	20	B	31 May 2018
Elevations Proposed	21		31 May 2018
Existing Elevations	07	A	31 May 2018
Location and block plan	01	A	30 May 2018
Roof Plan Proposed	10	A	10 May 2018
Floor Plans Proposed	11	B	10 May 2018
Floor Plans Proposed	12	B	10 May 2018
Elevations Proposed	13		1 November 2017
Sections Proposed	14	B	31 May 2018
Sections Proposed	15	D	31 May 2018
Elevations Proposed	17	B	31 May 2018
Elevations Proposed	18	D	31 May 2018
Elevations Proposed	19	C	10 May 2018
Elevations Proposed	16	B	31 May 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The glazing to all external facades of the buildings shall meet sound levels as set out in table 4 of BS8233:2014.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. The hardstanding area as shown on the proposed plan TA 1084/11A received on 11 May 2018 shall not be used for the parking of motor vehicles or for the delivery of goods.
Reason: To safeguard the amenities of the occupiers of the site and nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

6. 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 brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land and the nature of any hazards and physical constraints and identifying any gas or chemical analysis which might be necessary in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013 -Investigation of Potentially Contaminated Sites - Code of Practice;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed

and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

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.

8. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of part (c) in condition 7 above that any remediation scheme required and approved under the provisions of part (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under part (c) of condition 7 above.

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.

9. Prior to first occupation an adequate ventilation system shall be installed to ensure that the residential units have access to clean air drawn from outside the building without it being necessary to open windows.

Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

10. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.

Reason: This 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 and SPD14: Parking Standards.

11. Prior to the first occupation of the development hereby permitted the redundant vehicle crossover on Howard Terrace shall have been converted back to a footway by raising the existing kerb and footway.

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

12. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
13. 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 and policy CP8 of the Brighton and Hove City Plan Part One.
14. None of the new build 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 & Hove City Plan Part One.
15. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
16. The development hereby permitted shall not be occupied until the new build dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan
17. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

18. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials;
 - b. details of all boundary treatments to include type, position, design, dimensions and materials;
 - c. details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method and location of any trees.

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 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of condition 7 above. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk) and <http://webarchive.nationalarchives.gov.uk>

3. The applicant is advised that the scheme required to be submitted by Condition 10 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, purchasers and occupiers that the development is car-free.
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 (01273 290729).
5. 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.
6. The water efficiency standard is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site comprises a two storey end of terrace building fronting the southern side of Howard Terrace. There is a single storey store building and a two storey pitched roof building to the rear of the site which comprises storage floorspace at ground floor level and ancillary offices located on a mezzanine level. There is an undercroft vehicular access which runs along the western side of the terraced property and the side of No. 6 Howard Terrace.
- 2.2 The rear building is in warehouse use at ground floor level with offices above. The rooms to the two storey building to the south of the site fronting the road are empty/ used as storage.
- 2.3 The application seeks consent for the demolition of existing rear storage buildings (B8) to form 2x three bedroom houses, and the change of use of the building fronting the road to form 1x one bed flat, 1x two bed flat with cycle storage and associated works.
- 2.4 Amended plans have been received during the life of the application which has reduced the number of dwellings to the rear of the site from three to two, and proposes two flats to the building fronting the road, rather than a single dwellinghouse.

3. RELEVANT HISTORY

7 Howard Terrace

BH2016/02926 Prior approval for change of use from storage (B8) to residential (C3) to form two residential units. Approved 20.12.2016.

BH1998/01660/FP Replacement of existing warehouse building at rear of premises with structure of similar height and realignment of roof pitch. Approved 21 September 1998.

BN77.1937 Addition of first floor office over existing store. Approved 1 November 1977.

BN76.2661 Small front extension and shopfront to trade counter. Approved 18 January 1977.

19.62/980 Alterations to store at rear. Approved 19 September 1962.

19.59/1012 Change of use of first floor from residential to workshop and store. Approved 30 June 1969.

9.50/108 Bakery with lower part of existing house used as office, upper self-contained flat. Approved 7 February 1950.

8 Howard Terrace

BH2017/00737 Demolition of existing storage buildings (B8) and erection of 2no three bedroom terrace dwellings (C3) with associated landscaping. Approved 03.10.2017

BH2016/02925 Prior approval for change of use from storage (B8) to residential (C3) to form two residential units. Approved 20.12.2016.

BH2016/00392 Prior approval for change of use from storage (B8) to residential (C3) to form 2no residential units. Refused 7 April 2016.

7-8 Howard Terrace

BH2007/02088 Demolition of existing storage building and construction of new Class B1 offices at ground floor, with 2 two-bedroom flats at first floor level. Conversion of offices at 7 Howard Terrace to form a three-bedroom two-storey town house. Conversion of rear storage building to form additional office space for the existing rear warehouse/office building. Approved 24 August 2007.

BH2006/01305/FP Demolition of existing storage building and construction of new Class B1 offices on ground floor, with 2 two-bedroom flats on first floor and a two-bedroom flat on second floor with roof terrace. Conversion of offices at 7 Howard Terrace to form a one-bedroom ground floor flat and a two-bedroom first floor flat. Conversion of rear storage building to form new B1 offices and refurbishment of existing 2 storey warehouse/office building. Withdrawn 18 July 2006.

4. REPRESENTATIONS

4.1 Fifteen (15) letters has been received objecting to the proposed development; the main grounds for objection are as follows:

- Appearance
- Parking issues
- Increased traffic
- Highway safety
- Overdevelopment of site
- Overlooking and loss of privacy
- Increased noise and disturbance
- Cramped development
- Lack of outside space
- Standard of accommodation
- Lack of affordable homes
- Noise from car workshop adjacent
- Strain on local services
- Inaccurate plans
- Noise and dust from development
- Lack of consultation

4.2 One (1) letter has been received supporting the amended proposed development on the following grounds:

- Good design
- Improvement to streetscene
- Attract a good mix of people
- Communal garden providing additional green space

5. CONSULTATIONS

5.1 **Planning Policy:** No objection It is considered that redundancy is satisfactorily demonstrated in the context of Policy CP3. The additional residential units would make a small but useful contribution towards meeting the city's housing target as set out in City Plan Policy CP1.

5.2 **Environmental Health:** No objection subject to condition re land contamination.

5.3 **Sustainable Transport:** No objection subject to conditions re cycle parking and pedestrian crossing improvements.

5.4 **County Archaeologist:** No objection No significant below ground archaeological remains are likely to be affected by these proposals.

5.5 **Brighton and Hove Archaeological Society:** No objection Unaware of any archaeological deposits that are likely to be affected by this 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
- CP1 Housing delivery
- CP3 Employment land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- 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
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- 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

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- 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 principle of the change of use, the impact on the character and appearance of the area, impact on neighbour amenity, standard of accommodation provided, highways 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 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 Planning Policy:**
Principle of Development
The proposal would result in a loss of employment floorspace and City Plan Policy CP3, which seeks to protect employment uses, therefore applies.
- 8.4 It is noted that prior approval was granted through application BH2016/02926 for the change of use from storage (B8) to residential (C3) to form two residential units. A previous application (BH2016/02926) established that the warehouse has operated as B8 storage / warehouse continuously from 1999 until the present day. The granting of the prior approval is a material consideration in the determination of the application as it has already established the principle of the loss of the B8 floorspace as a fall back position.
- 8.5 The proposed development differs from the prior approval as it involves the demolition of the existing rear B8 building rather than conversion, and a greater quantum of new development. The application submission documents refer to the constrained location in a residential area and the poor quality of the existing buildings, together with the fact that the current occupant will be voluntarily vacating on the expiry of the lease.
- 8.6 It is noted that the adjacent property no. 8 Howard Terrace has recent permission for the change of use from B8 to residential. This site has also had a prior approval for the change of use from B8 to C3 residential. As a result of this prior approval application the principle of the loss of this use was not objected to.
- 8.7 Therefore, by virtue of the reasons above, it is considered that the loss of the employment floorspace and the change of use to residential is acceptable in this instance.
- 8.8 Provision of Residential Units
The additional residential units would make a small but positive contribution towards meeting the city's housing target as set out in City Plan Policy CP1. The

provision of family sized units of two bedrooms and above is also welcomed as an appropriate housing mix in the context of the requirements of Policy CP19.

8.9 Design and Appearance:

Policy CP12 of the Brighton and Hove City Plan Part One sets out the design criteria for applications of this nature. This policy requires proposals to raise the standard of architecture and design in the city and respect the character of the city's identified neighbourhoods.

8.10 The NPPF states that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings.

8.11 The principle of new dwellings on this site is not objected to, however the resulting development should respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord with design policies in the local plan.

8.12 The proposed dwellings to the rear would not be visible in the streetscene, however they would be visible to occupiers of neighbouring properties. The proposed building would be similar in height and scale to the existing warehouse building. It would comprise of brickwork, a tiled roof and metal window frames. Given the above and the poor quality of the existing warehouse building, the development is appropriate in this location and is therefore considered to be acceptable.

8.13 The rendered building to the front of the site fits in seamlessly to the streetscene which is made up of two storey terraced properties, mainly residential, with some commercial at ground floor level.

8.14 Amenity for future occupants:

Standard of accommodation:

Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17).

8.15 Government has published room and unit sizes which it considers to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015. Whilst the Council does not yet have a policy requiring compliance with the nationally described space standards, they are a useful point of reference.

8.16 Plot 3 to the rear proposes a three bedroom (1x double and 2x single) dwelling which would measure 84m². As a point of reference, Government's minimum size for a two storey, three-bedroom (four-person) unit is 84m². Plot 4 to the rear proposes a three bedroom (2x double and 1x single) dwelling which would measure 106m². As a point of reference, Government's minimum size for a two storey, three-bedroom (five-person) unit is 93m².

- 8.16 Both new rear dwellings would benefit from sufficient circulation space and a reasonable standard of light and outlook, although it is acknowledged that the light and outlook to the rear of the Plots 3 and 4 would be somewhat impacted by the two storey commercial building to the west and the retained rear/west wall of the existing building.
- 8.17 With regard to the street front building, the proposed two bedroom (1x double and 1x single) first floor flat would measure 64m², and the proposed one bedroom ground floor flat would measure 44m². As a point of reference, Government's minimum size for a one storey, two-bedroom (three-person) unit is 70m², and a one storey, one-bedroom unit is 50m². Therefore both these units are slightly under government standards.
- 8.18 However, again the dwellings would provide an adequate standard of accommodation in terms of sufficient circulation space, light and outlook. On balance the units are considered to provide an acceptable standard of accommodation.
- 8.19 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. This can be secured by condition for both new build units.
- 8.20 Refuse and recycling facilities would be sited near the front of the site which is appropriate.
- 8.21 Outdoor amenity space
Three of the dwellings would benefit from some private outdoor amenity space commensurate with the size of the units and the location, although it is, again, recognised that the gardens to the northern rear unit would be shaded due to the commercial building to the west. However it is noted that the existing single storey store building would be demolished and a good sized communal garden would also be provided in its place.
- 8.22 Noise
To protect residents from external environmental noise, including that generated from the adjacent vehicle workshop, the Council's Environmental Health Officer has recommended that the remedial glazing and ventilation measures discussed within the submitted acoustic report are implemented. This can be secured by condition.
- 8.23 Impact on Neighbour 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.

It is noted that nos. 32-35 Prestonville Road to the west of the site each have a ground floor rear extension which takes up a large part of the rear garden. Potentially there could be views at close proximity of these neighbouring properties and gardens from the dwelling on Plot 4. However revisions to the scheme have been submitted which show the rear/west wall of the existing building retained (or reconstructed to the same height and profile depending on its condition) in order to protect the amenity of the neighbouring occupiers. Clearly as this wall already exists its retention would mean that the existing relationship is maintained with no worsening of light levels or privacy to the existing properties. It is recommended that details of proposed boundary treatments are requested by condition to ensure there are no harmful views from the rear windows.

8.24 The dwelling at Plot 3 would look out onto the wall of the commercial building at nos. 3 and 4 Howard Terrace to the west and would not cause undue overlooking to the properties in Prestonville Road.

8.25 The front windows to the proposed rear building would give views towards the houses and gardens in Howard Terrace, and Chatham Place to a lesser extent. However, again, given the close knit nature of the area, no significant harm is considered to arise in terms of significantly increased overlooking and loss of privacy.

8.26 The building to the front of the site would be unchanged in terms of site and massing and there is not considered to be any adverse impact from the change of use on neighbouring properties.

8.27 Sustainable Transport:

The Council's Highways Team has been consulted on the proposed development and has no objections to the scheme.

8.28 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. The application proposed eight cycle parking spaces which is acceptable.

8.29 No car parking spaces are proposed which is deemed acceptable in this case. The site is located within a Controlled Parking Zone (Y). Therefore it is recommended that the site should be made "car free" by restriction of parking permits. It is also recommended that the existing hardstanding area shall not be used for the access or parking of motor vehicles and that the existing vehicular crossover is reinstated to a footpath. These measures can be secured by condition.

8.30 Sustainability:

Policy CP8 requires new build 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 for the new build dwellings.

8.31 Other Considerations:

Given the former use of the site, a contaminated land report has been submitted which states that there are a number of areas which warrant further investigation. The Council's Environmental Health officer is satisfied that a phased contaminated land condition can be applied which includes a desk top study, site investigation and remedial measures.

9. EQUALITIES

- 9.1 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings is achievable.

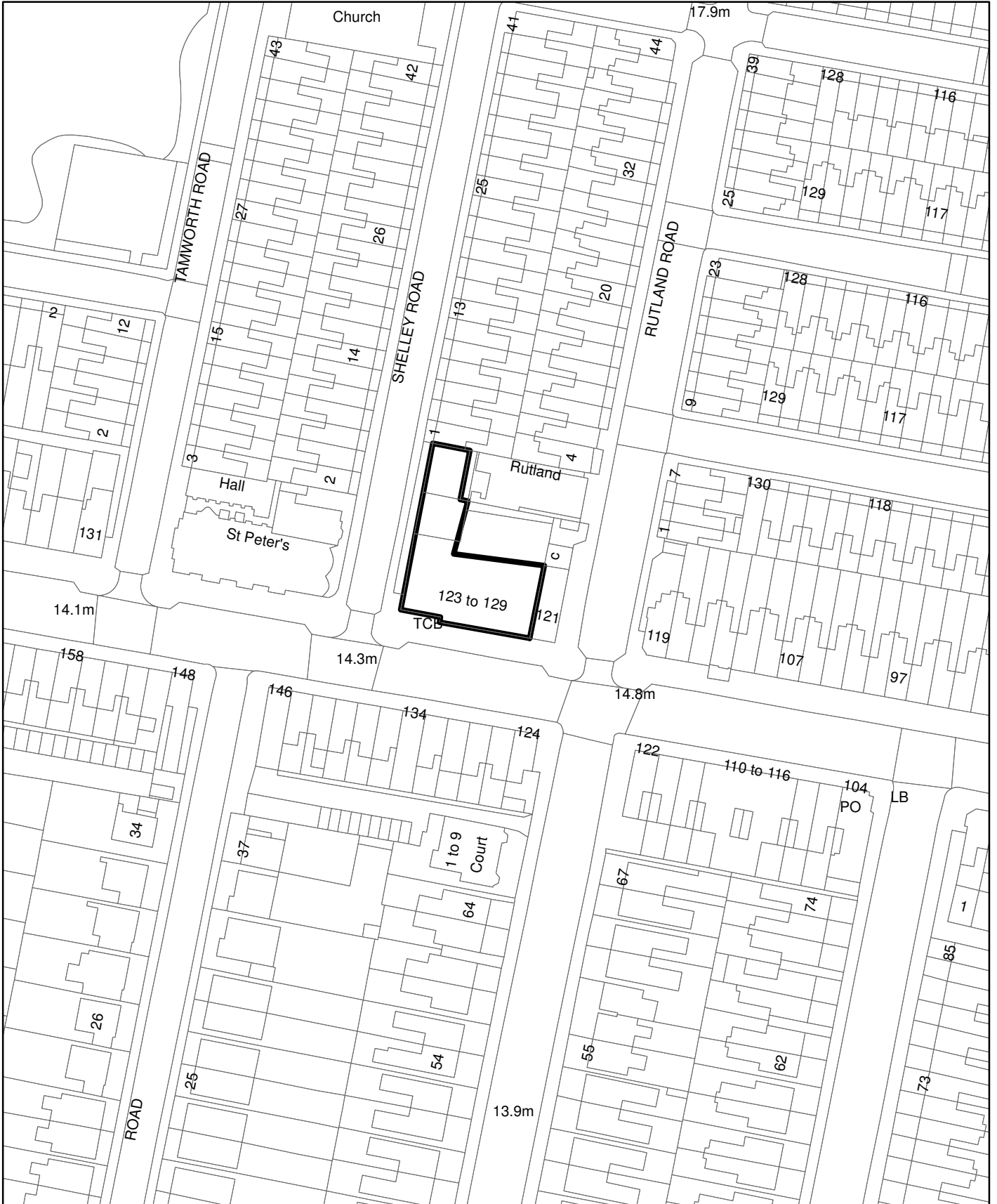
ITEM I

123-129 Portland Road, Brighton

BH2016/06391

DATE OF COMMITTEE: 18th July 2018

BH2016/06391 123-129 Portland Road Hove



Scale: 1:1,250

<u>No:</u>	BH2016/06391	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	123 - 129 Portland Road Hove BN3 5QY		
<u>Proposal:</u>	Creation of additional floor to provide 1no one bedroom flat and 3no two bedroom flats (C3) with associated alterations.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	20.12.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.02.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Allen Planning Ltd Mr Tony Allen The Old Fire Station EC Salt Lane Salisbury SP1 1DU		
<u>Applicant:</u>	Mr U Eisenstein C/o Agent Allen Planning Ltd The Old Fire Station EC Salt Lane Salisbury SP1 1DU		

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	T(10)P01	A	20 December 2016
Site Layout Plan	T(20)P00-CA	-	8 December 2016
Elevations Proposed	T(20)E01	K	23 May 2018
Floor Plans Proposed	T(20)P02	K	23 May 2018
Roof Plan Proposed	T(20)P03	F	23 May 2018
Detail	(NOISE REPORT)	-	19 February 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

5. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.

Reason: This 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 and SPD14: Parking Standards.

6. The development hereby permitted shall not be first occupied until the recommended glazing specified in Messrs Clement Acoustic's acoustic report reference 12013-NEA-01 RevB dated 19.02.2018 and the concomitant ventilation arrangements shall have been fully implemented and retained and shall thereafter be retained as such. The window performance specification shall apply to all windows on the façade and include the whole window unit, including the frame and other design features.

Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

7. Other than the private terrace areas and open deck access areas as detailed on drawing no. T(20)P02 rev K, access to the flat roof areas shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

8. 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 & Hove City Plan Part One.

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

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

10. 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 cladding and roof material
- b) details of the windows and doors
- c) details of glazed balustrade

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 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 application relates to a two storey building situated on the corner of Portland Road and Shelley Road with office space (Class Use B1) on the first floor and ancillary storage space at ground and basement floor level. The entrance to the site is on Shelley Road which has a vehicular entrance incorporating a loading bay area that was previously associated with the retail units on the ground floor. There are two separate entrances to the building that provide access to the first floor.

- 2.2 A Prior approval application for the change of use from offices (B1) to residential (C3) to form 11 apartments at the application site was approved on 09.03.2016 (application BH2016/00110). A further prior approval application to form 12 apartments was approved on 10.04.2017 (application BH2017/00516). External alterations to the building in association with this prior approval to facilitate the conversion to residential were approved under application BH2016/06409. Works have started on the site to facilitate the conversion to residential at first floor level.

- 2.3 Planning permission is sought for the creation of an additional floor at second floor level to provide a 1no one bedroom flat and 3no two bedroom flats (C3) with associated alterations.
- 2.4 During the course of the application the scheme has been amended to reduce the number of units from 5 units to 4 units providing a 1no one bedroom flat and 3no two bedroom flats at second floor level. The internal layout of the flats have been altered with amendments to the design of the scheme, notably the rearrangement of window openings and alterations to the balustrade, as well as the omission of some of the terrace area to flat 13 to protect neighbouring amenity. An acoustic report has also been submitted.

3. RELEVANT HISTORY

BH2016/06415 (123-129)- Creation of additional floor to provide 3no one bedroom flats and 5no two bedroom flats (C3) with associated alterations. Under Consideration.

BH2016/06409 (123-129)- External alterations including creation of juliet balconies and alterations and additions to fenestration in association with prior approval application BH2017/00516 for change of use from offices (B1) to 12no flats (C3). Approved 02.01.2018.

BH2017/00516- (123-129)- Prior approval for change of use from offices (B1) to residential (C3) to form 12 apartments. Prior Approval Required Approved 10.04.2017.

BH2016/00110 (127-129)- Prior approval for change of use from offices (B1) to 11no one and two bedroom flats (C3). Prior Approval Required Approved 09.03.2016.

BH2016/06212- (123 -125)- Prior approval for change of use from offices (B1) to residential (C3) to form 12no flats. Prior Approval Required Refused 20.01.2017.

4. REPRESENTATIONS

4.1 Twenty Two (22) letters of representation have been received, including representations from the amended scheme, objecting to the proposal for the following reasons:

- Overdevelopment
- Inappropriate height of development
- Poor design
- Out of keeping
- Result in overlooking and loss of privacy
- Restriction of view
- Result in overshadowing and loss of light
- Impact on daylight and sunlight
- Result in noise pollution

- Result in traffic issues
- Result in refuse issues
- Detrimental effect on property value
- Not a sustainable development

5. CONSULTATIONS

5.1 Sustainable Transport: No objection- 10.03.2017

No objection subject to conditions.

Verbal comments following amendments- 18.05.2018

The previous Highway Authority comments still stand however the minimum number of cycle parking spaces may be reduced from 7 to 4 spaces (to reflect the reduction in units and visitor parking not being required when under 5 units). As stated previously this is in addition to the cycle parking associated with other consented units on this site.

5.2 Environmental Health: No objection

The noise report is now complete and the scheme is acceptable providing glazing and the concomitant ventilation arrangements are implemented.

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);
 - o 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
- CP1 Housing Delivery
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings

CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP14 Housing Density
CP15 Heritage

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
QD16 Trees and hedgerows
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 the conservation area
HE8 Demolition in conservation areas

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 impact of the additional storey on the character and appearance of the building, the wider streetscene, the effect on the amenity of neighbouring residential occupiers, the standard of the proposed accommodation, and 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 2017 SHLAA Update (February 2018) which demonstrates a 5.0 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:**
A Prior approval application for the change of use from offices (B1) to residential (C3) to form 11 apartments at the application site was approved on 09.03.2016 (application BH2016/00110). A further prior approval application to form 12 apartments was approved on 10.04.2017 (application BH2017/00516). Therefore, the principle of a residential use on the site has been established but it will be the details of the scheme and the relationship with the surrounding properties which will determine the acceptability of the application.

8.4 Design and Appearance:

Policy CP12 of the Brighton & Hove City Plan seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.

8.5 Portland Road is characterised by development of varying style, scale, heights and detailing, with a mix of commercial and residential units. The surrounding area is largely characterised by two storey terraced houses. Portland Road itself consists of a mix of residential terraces of traditional style and appearance, two and three storey commercial and residential buildings and some modern flatted developments. To the west of the site lies St Peter's Church which is of local interest.

8.6 The proposal seeks planning permission to add an additional floor at second floor level to the existing building. The existing building, of commercial appearance, is of no architectural interest or merit and is a fairly low key presence in the street scene. The proposed additional storey would be sited on top of the existing two storey building and would be set back from the west and south elevations of the building.

8.7 The proposed materials comprise of zinc standing seam metal cladding with grey Upvc fenestration and a flat roof with a parapet capping. Private terrace areas with balustrade are proposed to the flat roof of the Portland Road and Shelley Road frontages. The main front and side elevations would be set back from the front and side façade of the property. By recessing the proposed addition, set back behind the building line of the elevations, the mass and visual impact of the proposed addition would be reduced. The proposed addition would be a relatively simple but contemporary design, with materials appropriate to a modern roof extension development. The use of metal cladding would contrast with the red brick elevations of the existing building, however the addition would sit appropriately within the surrounding development and would complement the existing building.

8.8 The proposed development is considered to represent an acceptable design and would not harm the character and appearance of the existing site, streetscene or the surrounding area, in accordance with policy CP12 of the Brighton & Hove City Plan.

8.9 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.

- 8.10 Neighbouring residential occupiers have expressed concern that the proposed development would result in a loss of light, overshadowing, noise and disturbance, and overlooking.
- 8.11 There would be a distance of approximately 18m between the development and the properties of Shelley Road to the west and approximately 24m between the properties of Portland Road to the south. Given this distance, it is not considered that the development would have a significant adverse impact upon the amenities of these properties in terms of overshadowing, loss of light, overlooking or loss of privacy.
- 8.12 To the rear of the site lies Rutland Hall which would ensure that the development would not result in overshadowing, loss of light, overlooking or loss of privacy toward the properties of Rutland Road to the north east of the site. Views toward the properties on the west side of Rutland Road would be obscured by this building.
- 8.13 The terrace areas would be sited along the Shelley Road and Portland Road frontages and the open access deck to the rear eastern side of the development. There would be no residential properties directly adjacent these and therefore it is not considered that the use of these outdoor areas would result in significant noise and disturbance. The scheme has been amended to remove the terrace area to flat 13 adjacent to no. 1 Shelley Road, as it was considered that a terrace located here may result in noise and disturbance toward this property.
- 8.14 The property to the east of the development is a residential flat with 3no windows located on the western elevation of a dormer window at second floor level. The fenestration and open deck to the east elevation of the development would be sited approximately 20m from these windows and therefore it is not considered that overlooking or loss of privacy would result. The window opening to flat 16 located on the eastern elevation of the development would be sited toward the street elevation and therefore views toward these windows would not be achievable.
- 8.15 For the reasons outlined above it is not considered that any loss of light or overshadowing, overbearing or loss of privacy would result from the development. It is considered the development accords with policy QD27 of the Brighton and Hove local Plan.
- 8.16 Standard of Accommodation:**
The application proposes a 1 no one bedroom flat and 3 no two bedroom flats at second floor level. The gross internal floor area of the 1 bedroom flat measuring approximately 52sqm would meet the government's Technical Housing Standards which states that a 2 person, 1 bedroom, 1 storey property should measure 50sqm. The gross internal floor area of the 3 no. 2 bedroom flats measuring approximately 72sqm, 71.9 and 75.5 would meet the government's Technical Housing Standards which states that a 4 person, 2 bedroom, 1 storey property should measure 70sqm. The units would feature double bedrooms each of which meets the minimum national space standards.

It is noted that the council has not adopted these sizes locally but as a comparable indicator of acceptable space standards, the unit would meet these standards and is an indication that the accommodation proposed is an acceptable size.

- 8.17 The 4no flats comprise of open planned living/kitchen/dining room, bathroom and bedrooms with private roof terraces. The open planned arrangement would be served by large bi-folding doors which would provide sufficient levels of light and outlook for the units. Each bedroom would have a window opening providing adequate levels of natural light and outlook.
- 8.18 Policy HO5 requires the provision of private useable amenity space in new residential development. The units would provide adequate sized private terraces at second floor level, in accordance with Policy HO5.
- 8.19 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Although step-free access to the building appears to be achievable, given that that the development is at second floor level with no lift, the development could not comply with all the requirements in Part M of the Building Regulations and therefore this condition will not be applied.
- 8.20 It is noted that there is are 3 condenser units located to the rear of 121 Portland Road at first floor level and an existing flue located to the rear of Costa at 123 Portland Road, both of which could be the source of noise and odour pollution toward future occupiers.
- 8.21 An acoustic report by clement acoustics has been submitted as part of the application. The acoustic report outlines that mitigation measures, including a glazing specification and the use of appropriate ventilation have been recommended and should be sufficient to achieve recommended internal noise levels for the proposed development according to BS8233:2014.
- 8.22 The Environmental Health Team is satisfied that the proposal would be acceptable subject to compliance with the recommended glazing and concomitant ventilation arrangements.
- 8.23 Transport:**
The first floor level of the application property has extant consent for conversion from office to residential to create up to twelve residential units. The cumulative impact of the extant consent is considered in these comments.
- 8.24 The proposed development may not result in an overall material increase in the number of trips to and from the site, the nature of the trips would however be materially different. For example a residential use would be likely to create additional demand on on-street parking spaces. In this case the property is within a Controlled Parking Zone where demand for such spaces is high. In the absence of an up to date parking survey demonstrating the capacity to take

additional demand within the immediate vicinity of the site, a condition is recommended restricting future occupants' rights to resident parking permits.

8.25 The application proposes cycle parking in the form of a store at ground floor level; a condition is attached requiring details of this. The minimum number of cycle parking spaces provided should be 4, which is in addition to the cycle parking associated with other consented units on the site.

8.26 Sustainability:

Policy CP8 of the Brighton and Hove City Plan Part One requires 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. This is secured by condition.

8.27 Other matters:

This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination "likely significant effects" on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations

9. EQUALITIES

9.1 None identified

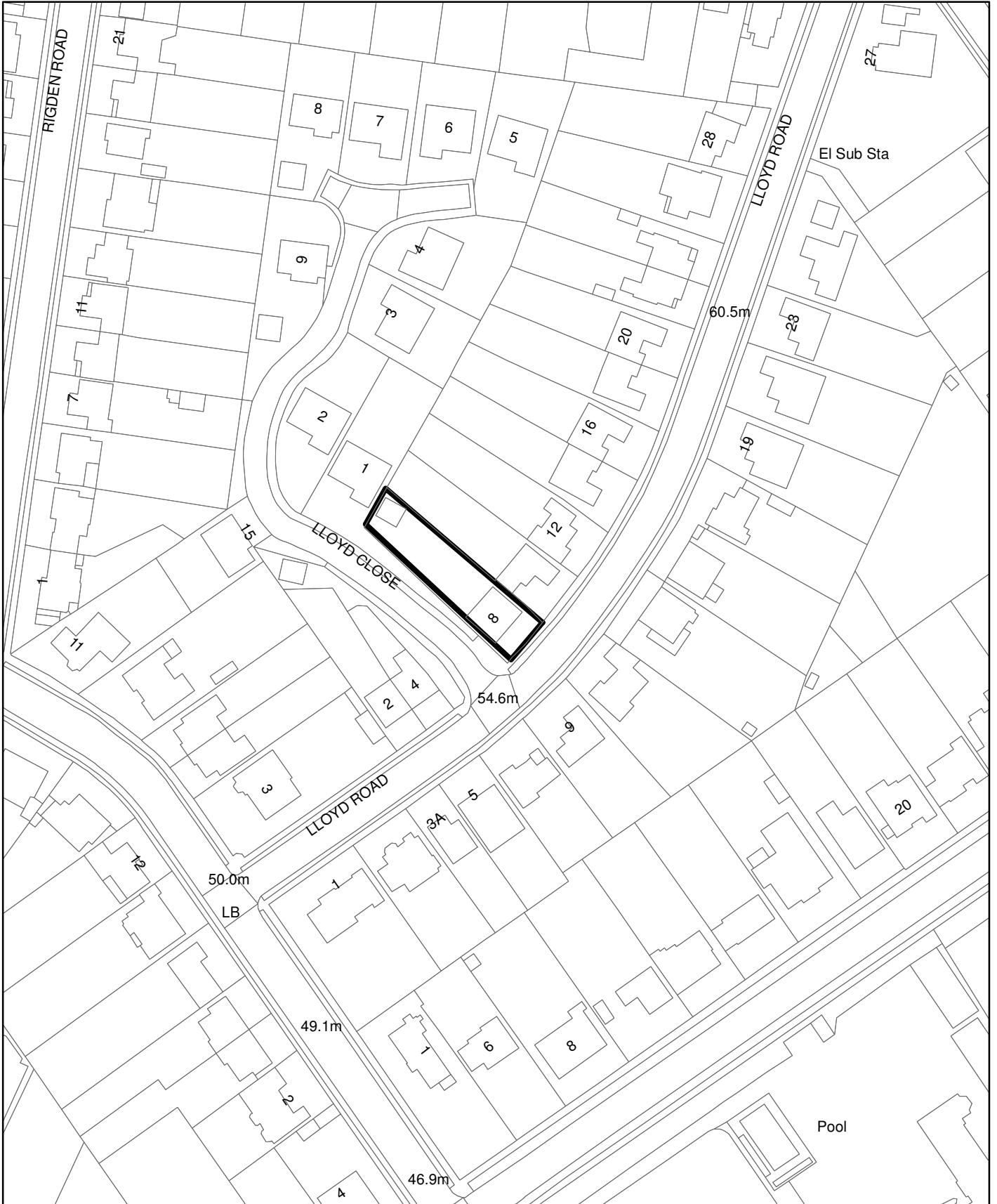
ITEM J

8 Lloyd Road, Hove

BH2017/04070
Full planning

DATE OF COMMITTEE: 13th December 2017

BH2017/04070 8 Lloyd Road Hove



Scale: 1:1,250

<u>No:</u>	BH2017/04070	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8 Lloyd Road Hove BN3 6NL		
<u>Proposal:</u>	Demolition of garage and erection of 2 bedroom residential dwelling (C3) to rear and associated alterations.		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	21.06.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	16.08.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Simon Bareham Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD United Kingdom		
Applicant:	Ms N Mutawa C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

Councillor Brown has requested that this application is determined by the Planning Committee.

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	01	f	11 December 2017
Site Layout Plan	10	a	11 December 2017
Elevations Proposed	11	a	11 December 2017
Floor Plans Proposed	12	a	11 December 2017
Floor Plans Proposed	13	a	11 December 2017
Elevations Proposed	14	a	11 December 2017
Sections Proposed	15	c	11 December 2017
Sections Proposed	16	c	11 December 2017
Elevations Proposed	17	e	11 December 2017
Sections Proposed	18	f	11 December 2017
Floor Plans Proposed	19	a	11 December 2017
Sections Proposed	20	a	11 December 2017
Arboricultural Report			11 December 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 brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

4. 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.

5. Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

6. 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 to all communal areas including

numbers and species of plant, and details of size and planting method of any trees.

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 policy CP12 of the City Plan Part One.

7. No development shall commence until the fences for the protection of the trees to be retained have been erected in accordance with the submitted arboricultural method statement received on 11 December 2017. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policy QD14 and QD27 of the Brighton & Hove Local Plan.

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

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

10. 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 City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

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 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.
3. The water efficiency standard required under condition 14 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a portion of the rear garden of 8 Lloyd Road which faces onto Lloyds Close in Hove.
- 2.2 Lloyd Road is characterised by the semi-detached and detached dwellings set within largely standardised plots sizes, with some variation depending upon type of building and location of the plot. The properties are set back from the street with front garden areas and driveways. Lloyd Close is a small cul-de-sac comprising 9 properties of similar architectural style within a sweeping street and turning spur. The application seeks the demolition of an existing garage to the rear of number 8 Lloyd Close, and the erection of a two bedroom residential dwelling with associated alterations.

3. RELEVANT HISTORY

BH2016/05174: Demolition of garage and erection of 3 bedroom residential dwelling (C3) to rear and associated alterations. Refused 24/02/17 for the following reasons:

1. The subdivision of the existing garden to form an additional building plot is considered to be in distinct contrast to the existing layout of plots in this area. A house in this location would be in stark contrast to undeveloped neighbouring gardens and detrimental to the open garden character of the area. Furthermore the full two-storey mass of the development, in conjunction with its inappropriate siting within the plot, is considered to be a poor design which would have a harmful impact upon the character and

appearance of the area which is predominantly formed of chalet bungalows within spacious plots set back from the street. The development would therefore be contrary to policies CP12 and QD14 of the Brighton & Hove Local Plan.

2. The design of the property would fail to provide adequate outdoor amenity space and outlook from a habitable room. The development would therefore be contrary to Policies HO5 and QD27 of the Brighton & Hove Local Plan.
3. The proposed development, by virtue of its bulk in close proximity to the neighbouring boundaries, results in an excessive and un-neighbourly form of development which would be intrusive, overbearing and would cause a sense of enclosure to the occupiers of numbers 8 and 10 Lloyd Road, contrary to policies CP12 and QD27 of the Brighton & Hove Local Plan.
4. The proposed removal of several trees and shrubbery on the plot would detract from the character of the area and would harm the public realm contrary to Policy QD16 of the Brighton & Hove Local Plan.

Appeal dismissed 02/10/17.

BH2013/03809: Erection of 1no two storey dwelling to rear of existing house with associated landscaping and car parking. Refused 03/01/14.

BH2008/01929: Replacement of an existing single storey rear extension with a new 2 storey extension and conversion of an existing garage into a childrens playroom. Approved 22/08/08.

BH2007/04406: Replacement of side and rear single storey extension with two storey extension incorporating roof terrace. Decking and spa to rear of property. Refused 11/02/08.

BH2006/01660: Demolition of existing side and rear single storey extension, proposed replacement extension and other alterations including; rear decking area and outdoor jacuzzi, alterations to side and front windows, and other external alterations to front elevation. Approved 26/06/06.

4. REPRESENTATIONS

- 4.1 Six (6) letters of objection have been received raising the following points:
- The siting of the development would be out of keeping with the surrounding street scene and would appear cramped and unwelcoming
 - The design of the property is out of keeping with surrounding properties, particularly the eaves height and proximity to the front boundary
 - The dwelling will cause overshadowing and a loss of privacy to neighbouring properties
 - There would be increased noise and disturbance
 - The development is contrary to the aims of the National Planning Policy Framework which seeks to ensure good design and reinforce local distinctiveness
 - The proposal to remove trees would have a significantly adverse impact on the character and appearance of the area

- The applicant is not intending to re-plant any trees
 - The loss of off-street parking spaces would exacerbate parking issues in the area
 - The proposed driveway to the front of no. 8 Lloyd Close is inadequately sized for a family car
 - Part of the site is not within the ownership of the developer and the proposed trees to be removed are not in the developer's control
- 4.2 Two (2) letters have been received commenting on the application as follows:
- No objection subject to there being no additional windows being added to the north facing elevation
 - No objection subject to the new parking space for no. 8 Lloyd Close being implemented
- 4.3 Councillor Brown objects to the application, comments are attached.

5. CONSULTATIONS

5.1 Arboriculture: Object.

This site does not contain any trees protected by Tree Preservation Orders nor does it lie within any Conservation Area. The local area has quite good tree cover benefiting by virtue of the larger garden sizes in the locality. The proposal is to build in the rear garden of number 8 Lloyd Road, a corner property that flanks onto Lloyd Close.

The proposed dwelling is on a level site that would front onto Lloyd Close, a small estate of 9 dwellings built on land that was the former Borough of Hove Council Parks department nursery. Where the proposed property would access and front on to is just in from the entrance of Lloyd Close. The proposal involves splitting off part of the rear garden of number 8 and constructing a new dwelling on much of rear garden and garage area. This would require the removal of 4 good quality birch trees on the frontage along with a large multi stem Goat Willow tree. In addition to this, from within the existing garden a large Garrya (shrub) requires removing along with a young yew and an apple tree.

The Arboricultural team recognise and agrees with the arboricultural consultant's advice with regard to the willow tree, in that this would be best remove, regardless of any development. However, there is disagreement with much of the other recommendations contained in the consultant's report. The 4 birch trees along with some shrubs were once part of the landscaping planting of public land at the start of the estate and contribute to the local street scene and entrance to the close. Within the plot the further removals of, all be it, rather small specimens will further denude the area of greenery.

Whilst individually the trees and shrubs both within the garden and the open area at the front are not of the highest public amenity they do collectively contribute much to the leafy nature of the local area. This loss and the resulting two small garden areas will have a negative effect on the area and for these

reasons the Arboricultural Team would recommend that consent is refused to this application.

5.2 Sustainable Transport: No objection.

Cycle Parking

SPD14 states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds and 2 for 3 plus beds and 1 space per 3 units for visitors after 4 units. For this development of 2 residential units with 2 and 3 plus beds the minimum cycle parking standard is 3 cycle parking spaces in total (3 for residential units and 0 visitor spaces). The applicant has kindly offered to install 4 cycle parking spaces for the proposed new dwelling and cycle parking in a store area in the existing dwelling in their supporting evidence however further than that there is a lack of detail therefore cycle parking is requested by condition.

Vehicular Access

The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway from the existing garage and is proposing to use again the existing vehicle crossover to the existing dwelling off Lloyd Road. This is deemed acceptable in principle.

Car Parking

SPD14 states that the maximum car parking standard for 2 bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 2 car parking spaces for the new 2 bedroom property and 1 car parking space for the existing dwelling within the Outer Area. For this development of 2 residential units the maximum car parking standard is 3 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (three spaces for the two dwellings) is in line with the maximum standards and is therefore deemed acceptable in this case.

The site is not located within a Controlled Parking Zone (CPZ) and therefore this site should not be made "car free" by restriction of parking permits by the Planning Case Officer as there is no CPZ and waiting list to cause a restriction.

Trip Generation

It is unlikely that there will be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within capacity, the application is therefore deemed acceptable in this regard.

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

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);

6.2 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):

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- 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
- SPD06 Trees & Development Sites
- SPD11 Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of a dwelling upon the plot, the design of the proposal, its impact upon the character and appearance of the area, the amenity of adjacent residential occupiers, living accommodation standards, transport/parking and arboricultural interest of the site.

- 8.2 The application seeks to demolish the existing garage to the rear of 8 Lloyd Road and erect a two-storey, two bedroom property with associated off-street car parking and garden area. The existing conservatory at 8 Lloyd Road would be demolished to allow for a larger garden area to be retained.
- 8.3 The application follows a previous application for a similar scheme (BH2017/05174) which was refused and subsequently dismissed at appeal. The design, form and siting of the proposed dwelling has been amended to address concerns raised by the Council and by the Planning Inspectorate.
- 8.4 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 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.5 The proposal for a new residential property in a residential area is acceptable in principle.
- 8.6 Design and appearance:
The proposed dwelling would be situated in the current rear garden of 8 Lloyd Road. Its frontage would face onto Lloyd Close. The proposed dwelling would be two storeys in height with a pitched roof, gable-end feature, two-storey bay and a chimney breast. The dwelling would have brick walls and a clay-tile roof. The height of the building would be approximately 6.9m with an eaves height of 4.8m and a total footprint of approximately 58m². The total plot size for the new dwelling would be 241m² and the remaining plot size for number 8 would be 338m². The proposed building would be situated 4m behind the front boundary (at its closest point) with a garden area to the rear and south side. There would be a driveway and cycle parking area to the front of the property.
- 8.7 The wider Lloyd Close street scene is formed of detached chalet bungalows in a traditional material palette of brick and clay tiles. The properties feature front driveway areas and good sized rear gardens.
- 8.8 The design of the proposed dwelling has been amended since the previous refused application, by reducing the overall form, eaves height, footprint and proximity to front boundary. The ridge height of the new dwelling would sit lower than both 1 Lloyd Close and 8 Lloyd Road on either side and the eaves height has been reduced to allow better integration with the chalet bungalows on Lloyd Close. The siting of the property, which would sit 4m behind the front boundary line, would be in keeping with the surrounding plots and would not appear overly intrusive in the street scene. The gable end feature, pitched roof form and proposed materials are considered to respect the prevailing character of the area. On this basis it is considered that the applicant has addressed the

concerns raised by the Council and the Planning Inspector for the previous application, and the proposed design is acceptable in principle.

- 8.9 It is acknowledged that the proposed plot size is smaller than other curtilages in the area, however the potential visual harm caused by the plot size is not of a magnitude to warrant refusal of the application in itself, particularly as it has been demonstrated that the proposed design could be successfully incorporated into the street scene and the dwelling could provide an adequate standard of accommodation for future occupants as considered below. On this basis the application is considered to be in accordance with Policy CP12 of the Brighton & Hove City Plan and is recommended for approval.
- 8.10 Standard of accommodation:
The proposed dwelling would have living accommodation at ground and first floor level. The ground floor layout would feature a living room, kitchen, dining area and bathroom. The first floor would consist of two bedrooms and a bathroom.
- 8.11 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 sufficient unit sizes based on the number of occupants. This document sets out that a two bedroom property to be occupied by four persons should have a minimum floorspace of 79m². In this case the proposed dwelling would have a total floorspace of 96m² which would provide adequate circulation space for its intended occupancy. Each habitable room would feature a good sized window, allowing for adequate natural light and sufficient outlook. Overall the proposed layout is considered to represent an acceptable standard of accommodation for future occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan.
- 8.12 The proposed plot size would allow for approximately 133m² of private garden space to the rear and side (south-east) of the property. In the previous application, the Council and the Planning Inspector raised concerns in relation to the limited garden area which would provide inadequate space for play. In this application, the footprint and occupancy of the dwelling has been reduced and as such there is a larger garden area which is considered to provide sufficient open space conducive to a two-bedroom property in accordance with Policy HO5 of the Brighton & Hove Local Plan.
- 8.13 Impact on neighbouring amenity:
The proposed dwelling would be situated approximately 16m from no. 8 Lloyd Road (the donor plot), 20m from 10 Lloyd Road and 6m from 1 Lloyd Close. The siting of the dwelling in the centre of the proposed plot, in conjunction with its limited height is unlikely to have a significantly harmful impact on neighbouring properties by way of overshadowing and it would not cause a sense of enclosure. The revised design is considered to overcome concerns raised by the Local Planning Authority in the previous application in this regard. There are no windows proposed at first floor level on the elevations facing nos 8 and 10

Lloyd Road and 1 Lloyd Close. As such, no overlooking or loss of privacy would occur.

8.14 Notwithstanding the points raised above, the Planning Inspector who assessed the previous application concluded that a dwelling on this plot would not have a significantly harmful impact on neighbouring properties to warrant refusal. Given that the proposed dwelling is smaller and more appropriately sited than the previous application, it would not be expedient to refuse the current application on these grounds.

8.15 **Impact on trees:**

The proposal would involve the removal of several trees and shrubbery to the front of the proposed plot. The Local Planning Authority regrets the proposed loss of planting which contributes heavily to the character of the area. The Council's Arboriculturalist has also commented to this effect and the loss of trees was a reason for refusal in the previous application.

The proposed tree report is the same scheme submitted under the previous application. The Planning Inspector for the previous application dismissed the Local Planning Authority's concerns in this regard, stating:

'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.'

8.16 In light of the above, it would not be expedient for the Local Planning Authority to refuse the current application based on the loss of trees. Whilst regrettable, a landscaping and planting scheme to mitigate the loss of greenery is secured by planning condition.

8.17 **Impact on the host property:**

The proposed subdivision of the plot to provide one new dwelling would reduce the garden space at the donor plot, 8 Lloyd Road. The proposal would involve removing the existing conservatory at no. 8 to allow for more garden space and as such it is considered that sufficient space would remain for the occupiers of the host property in accordance with Policy HO5 of the Brighton & Hove Local Plan.

8.18 **Transport:**

The proposed scheme would allow for an off-street parking space in front of the new dwelling, and the off-street parking space for no. 8 Lloyd Road would be reinstated in front of the host property. The Transport Officer has confirmed that the proposed parking spaces are sufficient for the intended occupancy and that

the development is acceptable in transport terms subject to a cycle parking condition.

8.19 It is noted that the property is not within a Controlled Parking Zone and it is not therefore necessary to make the development car-free.

8.20 **Other matters:**

Concerns have been raised in relation to land ownership. The agent for the application has confirmed in the submitted application form that the appellant is in full ownership of the plot. Notwithstanding this point land ownership is a civil matter between private parties and is not a consideration for the Local Planning Authority.

8.21 **Sustainability:**

City Plan Policy CP8 seeks sustainable design features in all new development particularly in respect of use of energy and water. This is secured by condition.

8.22 **Conclusion:**

For the reasons stated above, and with regard to the previous application and appeal decision, the proposed amended scheme is considered to be an appropriate design that would represent a sufficient standard of accommodation for future occupants that would not cause harm to the wider area or neighbouring amenity and would contribute to the City's housing supply. For these reasons the application is in accordance with Policy CP12 of the Brighton & Hove City Plan and Policies QD27 and HO5 of the Local Plan and is recommended for approval.

9. EQUALITIES

9.1 Building regulations standards for accessibility are secured by condition.

Ref BH2017/04070 8 Lloyd Road Hove
Councillor: Vanessa Brown

As a Councillor for Hove Park Ward I wish to object to this application.

This proposed building would front onto Lloyd Close. The design is not in keeping with the other houses in the Close and would detract from the character of the area. The existing houses have large sloping roofs, dormer windows and gables. This proposed house would damage the street scene.

The adjacent property at 1 Lloyd Close is 12.8 metres from the kerb edge but this house would only be set back 6 metres from the kerb and would have an overbearing effect as you enter the Close. The plans for a wall and gates would further detract from the open feel of the Close.

This Close is also characterised by its trees. This application is to remove 5 street trees fronting the Close, 4 silver birches and a goat willow.. There are similar trees on the other side of the Close. The removal of these trees would damage the street scene.

If this proposal should receive a recommendation to be passed I would like it to go before the Planning Committee for decision.

ITEM K

39 Dyke Road Avenue, Hove

**BH2017/03152
Full planning**

DATE OF COMMITTEE: 13th December 2017



<u>No:</u>	BH2017/03152	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39 Dyke Road Avenue Hove BN3 6QA		
<u>Proposal:</u>	Erection of part one part two storey rear extension to facilitate three new blocks on existing care home.		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	03.10.2017
<u>Con Area:</u>	Tongdean	<u>Expiry Date:</u>	28.11.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	C C Gladding Architects 75 Ormskirk Business Park New Court Way Ormskirk L39 2YT		
<u>Applicant:</u>	Mr Weissbraun 220 The Vale London		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	2386	a	13 November 2017
Floor Plans Proposed	2386/NWRD/1	c	19 September 2017
Elevations Proposed	2386/NWRD/2	d	19 September 2017
Elevations Proposed	2386/NWRD/2	e	3 October 2017
Topographical Survey			19 September 2017
Parking Layout Proposed			27 March 2018
Arboricultural Report	METHOD STATEMENT		13 June 2018
Arboricultural Report	IMPACT ASSESSMENT		13 June 2018
Tree Survey	ROOT PROTECTION PLAN		13 June 2018
Tree Survey	TREE PLAN		13 June 2018
Tree Survey	PROTECTIVE FENCING PLAN		13 June 2018
Detail	CARE NEEDS ASSESSMENT		19 September

			2017
Design and Access Statement			19 September 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 brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all hard surfacing materials
 - c) samples of the proposed window, door and balcony treatments
 - d) details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. Prior to first occupation of the development hereby permitted, details of all boundary treatments to include type, position, design, dimensions and materials shall be submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.
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.

6. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered

by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) location, type and materials to be used for soft and hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with SPD 06 and QD16 of the Brighton & Hove Local Plan.

7. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SPD06 and QD16 of the Brighton & Hove Local Plan

8. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement received on the 13/06/18 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
9. The Arboricultural Method Statement received 13/06/18 and associated tree plans submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the report, by a suitably qualified tree specialist.
Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SPD06 & QD16 of the Brighton & Hove Local Plan.
10. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 9 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.
Reason: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition (insert condition(s)) pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SPD 06 and QD16 of the Brighton & Hove Local Plan.
11. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
12. Prior to first occupation of the development hereby permitted, a car park layout plan shall have been submitted to and approved in writing by the Local Planning

Authority. This should include a minimum of 3 disabled parking spaces. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site, to ensure the provision of satisfactory facilities for pedestrians and to comply with Policies CP9 of the Brighton & Hove City Plan Part One and TR18 of the Brighton & Hove Local Plan.

13. The development hereby permitted shall not be first occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The Scheme should include but not be limited to, the following measures:
- The provision of up to date public transport information within the building and to users of the building;
 - Promotion of sustainable travel for staff trips including personal travel planning;
 - Sustainable transport promotional material being readily available to staff and patients including cycle and bus routes and timetable brochures and car club information.

The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR4 of the Local Plan and CP9 of the City Plan Part One.

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

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

15. Construction of the development shall not commence until details of the proposed means of foul and surface sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

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.

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. With regard to condition 6, The following British Standards should be referred to:
 - a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - c) BS: 3998:2010 Tree work - Recommendations
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
 - i) BS: 8601:2013 Specification for subsoil and requirements for use

3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection points for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a large two-storey property currently in use as a 22 bed care home for the elderly. The building is situated in the Tongdean Conservation Area and the plot is subject to a Tree Protection Order.

- 2.2 Planning permission is sought for the erection of a part two, part one-storey rear extension to form three new blocks on the existing care home. The extension would facilitate 13 new bedrooms in the building.

3. RELEVANT HISTORY

BH2017/02620: Display of non-illuminated sign. Refused 29/11/2017.
BH2016/02131: Erection of single storey rear extension. Approved 19/08/16.

4. REPRESENTATIONS

- 4.1 Twelve (12) letters have been received objecting to the application on the following grounds:
 - The proposed development by reason of its bulk, footprint, height and design would relate poorly to adjoining houses and would be out of character with the surrounding area and represents overdevelopment of the site
 - The proposal is contrary to the Tongdean Conservation Area and policies HE6, HO11 of the Brighton & Hove Local Plan and the City Plan Part One

- The proposal would further detract from the overall character and appearance of the building which the Tongdean Conservation Area specifically names as desirable to preserve contrary to Policy HE8
- The extension would result in significant and direct overlooking of neighbouring properties and gardens, resulting in a lack of privacy and a loss of outlook
- The proposal would cause material nuisance and a loss of amenity to existing residents contrary to Policy QD27 of the Brighton & Hove Local Plan.
- The development will exacerbate existing traffic problems in the area
- The loss of garden and trees would cause harm to the character of the Tongdean Conservation Area
- The enlargement of the building would go beyond the scale of a residential property and would appear as a large commercial property which would not be sympathetic to the character of the area
- The development would result in light and noise pollution to neighbouring properties 24/7.
- The development would pose a risk to the mature trees adjoining the site.
- The proposed plan does not show the extension to my house
- The red line denotes land belonging to 26 Chalfont Drive
- There are legal covenants attached to the building which restrict further extensions
- The development would threaten the biodiversity of the site

4.2 Councillor Brown objects to the application. Comments attached.

5. CONSULTATIONS

5.1 Adult Social Care: Support.

5.2 Adult Social Care would support this application to increase the current nursing capacity by 13 rooms. Adult Social Care require an increase in nursing provision in Brighton & Hove and would therefore support developments in this market area.

5.3 The application highlights that all rooms will be en-suite and will be able to support people with a diagnosis of dementia. I have met the proprietors who are committed to providing services for both publicly funded and private people. There have been no ongoing concerns regarding the standards if care provided by the home and they have received a good overall CQC report.

5.4 Arboriculture:

Initial comments received 16/02/18

The proposal will result in the loss of four trees protected by Tree Preservation Order plus impact and threaten the retention of 9 others. One fine semi mature Oak on the frontage would be lost plus a number of other trees protected by virtue of the Conservation Area status would also be threatened. In view of

these losses and potential for damage to other trees the Arboricultural Team would recommend that consent is refused.

- 5.5 This site is subject to a Tree Preservation Order (TPO 1993 number 4), it also lies within the Tongdean Conservation Area and is located within part of the city that has better tree cover than most. This is due to two main factors, the first being better quality soils located some distance from the high salt winds of the seafront and the second, more important element being larger garden plot size. The garden of this site benefits from a good mix of tree cover along with some mature shrubs around the perimeter of the site. The neighbouring plots to the North also contain trees protected by the above order and are also contained within the Conservation Area. The plot to the South is not within the Conservation Area but does also contain some trees subject of the TPO. At the time of my site visit there appears to have been some tree works recently undertaken at the frontage of the site where a number of trees and shrubs appear to have removed without prior notification. Details of the group have been provided in the Arboriculturist report submitted with this application and referred to as G1.
- 5.6 The proposed development comprises a large rear extension sited alongside Tongdean Place plus additional car parking on the frontage. The Arboricultural report submitted with this application highlights the loss of two small trees within the rear garden (Holly and Cherry - not subject to TPO); these are of low amenity value and there is no objection to the loss. However, the construction of the new extension will have an impact on two large Horse Chestnut tree just off site abutting the North boundary fence. One of these trees is protected by the TPO the other by the conservation area status. Both trees will suffer considerable root damage caused by the excavation and this has been given little regard in the Arboricultural Consultants report.
- 5.7 Within the front garden the proposed car park and drive changes call for the removal of two TPO protected Sycamore trees. These trees are prominent specimens of quality in the landscape. Changes to the car park will also impact on the trees to the adjoin site (TPO protected) and other conservation area trees contained within the front garden. All of these trees are very prominent and important to the local street scene.
- 5.8 To address these comments, the applicant has submitted further tree surveys and has revised the site layout to retain the two trees at the front of the site.
- 5.9 Further comments received 16/04/18
These arboricultural observations are the second at this site due to a revision in the proposed plan (received 02/04/18) that makes changes to the car parking spaces at the front of the site.
- 5.10 Whilst this minor amendment allows for the retention of three trees subject to a tree preservation order at the front of the site, we anticipate further root damage to protected trees in adjacent gardens on the southern and north boundaries adjacent to the driveway from the likely improvements that will be made as part of the development process.

- 5.11 There are two large horse chestnut trees, within a neighbouring garden, on the northern boundary, marked as G6 within the arboricultural report, in the NE corner of the proposed development, and plan. These are large trees, one subject to a tree preservation order and the other one protected by virtue of its position within a conservation area.
- 5.12 I disagree with the statement from the arboricultural implications study that "The impact table below shows the proposed development having a minor encroachment into the root protection area of G6. It is felt that due to the species, condition, site conditions and limited extent of encroachment the proposal will not have a detrimental impact on the safe useful life expectancy the trees".
- 5.13 The two mature horse chestnut trees are growing very close to the boundary fence and a large percentage of the roots will be within the proposed development site. No protection of roots will take place on the development side as this will be needed for the development. In addition to this no mention within the report has been made about the overhanging branches to the proposed development and this will result in the overhanging branches being removed back to the boundary to facilitate the development. This will equate to virtually 50% of the crown required for removal. Large pruning wounds to this particular species of tree will lead to major cavities and decay leading to limb failure in future years.
- 5.14 The combination of root severance on the south-side of the trees, and the heavy facilitation pruning, will result in two large trees with north-heavy crowns and damaged roots and will leave the trees vulnerable to structural failure.
- 5.15 Two significant protected trees on the shared boundary will still be lost in at the north east corner of the due to the rear extension of the proposed development. I view of these impacts the arboriculture team recommend refusal.
- 5.16 *Further to these comments, the applicant has further amended the tree report to include additional protection measures to ensure the retention of the protected trees to the north-eastern corner of the site. The applicant's arborist has maintained that they do not envisage significant work to the front driveway and the trees at the front of the site would not be affected.*
- 5.17 Final comments received 06/06/18
Comments provided in response to revised plans received 22/05/18. If the applicant is building a very large extension to the property, and proposing further parking spaces that will increase the amount of people visiting the site, it is likely that improvements will be undertaken to the main driveway. The arboriculturist states that there will be 'no likely improvements'. He also reiterates in paragraph 10 that there will be no significant works to the driveway.
- 5.18 Paragraph's 5, 6 and 7 are about the two Horse chestnuts marked as G6 on the plans. Both these trees are protected by their position within a conservation area and one tree has a tree preservation order on it. Their response states that

'they intend to ensure that this group can be retained and protected'. Within a revised arboricultural implications assessment (AIA) TRE/ODRAB/Rev B dated 21st May section 5 Mitigation Proposals explores this:

- "5.1.2 The encroachment for each of the two trees is 12.5% of the total RPA of the tree. It is felt that this is minimal in relation to impacts. However, this impact can be reduced should the following design principal be implemented: -
- The extension should have a designed foundation to reduce the amount of excavation required for its construction. This can be achieved by constructing the extension with a pile and beam foundation."

5.19 Whilst I agree that the footprint of the building may encroach by 12.5%, you can be assured that the building activity to construct this will be within the majority of the root protection area (RPA) on the development side; especially within the recess between block B and Block C on the northern boundary, and the northern boundary itself between the proposed development and the boundary fence. Contractors will compact the soil and roots within this area from walking, use of machinery, storage of building materials and the need for scaffolding to be erected and removed. There will a lot of roots on this side due to the greater proportion of soft landscape on this side. No mitigation to improve the trees rooting area after the development has been completed has been proposed for this incursion.

5.20 The damage to this area caused by building activities has not been explored thoroughly and no ground protection has been proposed within the full RPA of these trees. I recommend that this forms part of the tree protection plan and AMS. Protective fencing and ground protection should be inspected by the applicant's arboriculturist before the development starts. This should be amended within tree protection plans and the AMS. Arboricultural Site supervision should form part of the AMS for any building activity within the RPA of any retained trees.

5.21 Their arboriculturist has recommended a way to minimise the impacts of the building footprint by recommending that 'The extension should have a designed foundation to reduce the amount of excavation required for its construction. This can be achieved by constructing the extension with a pile and beam foundation.' This would be welcomed as there will be less impact to the RPA on this side. I would recommend that the term 'should' be changed to the term 'must'.

5.22 As I understand it, Block A and Block B are proposed for two storey buildings and Block C is proposed for one storey and the northern elevation of the new development A, B and C will be 2-3m south of the northern boundary fence. I cannot see how a crown lift to G6 to allow a ground clearance of 4m can be enough to allow this development to proceed. For example, if the building is a maximum 3m from the boundary and Block B will be 6m high for its two storeys plus a pitched roof, and Block C will be 3m high plus a pitched roof, for its one storey, and we have to allow for scaffolding to be erected to these heights at a 1.5m width closer to the trees, more drastic pruning will need to take place. I

suggest that the pruning required will be closer to the boundary overhang pruning I mentioned within my previous comments.

- 5.23 I believe that the development will have a significant impact to these trees marked as G5 on the plans, but referred to a G6 in the reports in the NW corner of the site within the adjacent property and 2 Tongdean Place. A significant amount of pruning will take place to these trees and roots damage will also take place. In my previous comments this one of my reasons for refusal due to the impact on these trees.
- 5.24 I believe that an informative should be attached to any decision informing the owners of the trees of the impact that the development will have on their trees, and that their condition may deteriorate in the future due to the construction of it that may lead to the removal or pressure to prune in future years post development.
- 5.25 Additional tree planting can be secured by condition.
- 5.26 The plan marked ODRA/MS/01 Rev. B shows tree protective fencing and the fencing protecting G3, G4 and T4 is welcomed. However I have concerns about the lack protective fencing at the front of the site. At present the protective fencing proposed is adjacent to proposed parking spaces 11-14 only. The majority of this front green between the entrance drives is the RPA of the three large trees here. I would recommend that the whole of this green is fenced off as a construction exclusion zone.
- 5.27 If the Local Planning Authority is minded to approve the application, several planning conditions are recommended to mitigate the impact on trees.
- 5.28 *Further to these comments, the applicant submitted a further Arboriculture Method Statement, Arboriculture Impact Assessment and tree plan documents on 13th June 2018. The tree plan marked ODRA/MS/01 Rev. C received 13/06/18 denotes a ground protection zone for the trees in the north eastern corner of the site in response to the comments above. This plan also includes tree protection fencing around the front garden area as suggested. It is considered that the revised tree documents satisfy the recommendations outlined by the Arboriculture team.*
- 5.29 Ecology:** No objection subject to conditions.
- 5.30 Policy Context
Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

- 5.31 The National Planning Policy Framework (NPPF) states 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 109).
- 5.32 The NPPF sets out principles that local planning authorities should seek to apply when determining planning applications to conserve and enhance biodiversity; these include encouraging opportunities to incorporate biodiversity in and around developments, and refusing planning permission for developments that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and the benefits of, the development in that location clearly outweigh the loss (paragraph 118).
- 5.33 Designated sites and Protected Species
Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
- 5.34 The site comprises planted shrubbery, scattered trees, scrub, ruderal vegetation, and ornamental pond and amenity grassland. Habitat within the footprint of the works includes amenity grassland, planted shrubbery, scattered trees, bare ground, buildings and hard standing. Habitats to be impacted are of relatively low ecological value although they may support protected species. Trees should be retained and protected in accordance with BS5837:2012.
- 5.35 Bats
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. Buildings on site were assessed as having negligible potential for bats. However, as a precautionary approach, it is recommended that hanging tiles on the main building are soft stripped under the supervision of a suitably qualified and experienced ecologist.
- 5.36 Reptiles
Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. There is suitable reptile habitat within the south west corner of the site although this lies outside the footprint of the proposed works. No further surveys are required, but there should be storage or materials or equipment in this area.
- 5.37 Breeding birds
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.

5.38 Other species

There are local records of hedgehogs and there is suitable habitat for hedgehogs on site. The hedgehog is a Species of Principal Importance under Section 41 of the NERC Act. It is recommended that a hedgehog box is provided on site and that holes are made in the boundary fences to allow hedgehogs to move through the site.

5.39 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.

5.40 Mitigation Measures/Enhancement Opportunities

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 bird and bat boxes and the use of species of known wildlife benefit within the landscaping scheme. Bird boxes should target species of conservation concern such as house sparrow and swift. Advice on plant species of known wildlife value is provided in Annex 7 of the Council's SPD11.

5.45 Summary

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

5.46 **Heritage:** Comment.

5.47 Statement of Significance

This is an unlisted historic building in the Tongdean Conservation Area. The Conservation Area Character Statement describes the general character of this area as:

'a well-to-do residential suburb with impressive individual large houses, imposing boundary walls and extensive mature greenery. Its special interest derives from the grouping of individually-designed large houses dating mainly from early 20th century on generous plots, with mature street trees and dense garden and boundary planting.'

5.48 and specifically refers to this property:

'Of the surviving Edwardian houses on the west side, the most notable is number 39, now the Victoria Oaklands nursing home, built by 1901 in a competent Old English vernacular style influenced by Norman Shaw. The elevations are a mixture of red brick, tile hanging and half-timbering, with stone

mullions and dressings to some windows. It has an attractive high brick boundary wall.'

5.49 The Proposal and Potential Impacts

Pre-application advice was provided in March 2017. This advice noted the conflict of the proposed development with the requirements to preserve or enhance the character of the conservation area, as the generous settings for the buildings are identified as an important characteristic.

5.50 Comments on the design were that the southern elevation was more successful than the northern elevation, and from Tongdean Place the development appears imposing and dominant, and would benefit from breaks in the plane associated with stepped roofs, and larger windows openings to relieve the large areas of masonry.

5.51 As stated in the pre-application advice provided in March 2017, the size of the proposed development would involve a significant change in the relationship of the built area to the size of the plot, and would therefore conflict with the requirements to preserve or enhance the character of the conservation area, as the generous settings for the buildings are identified as an important characteristic of this conservation area. For this reason the proposal would cause harm to the character of the conservation area, however this would be considered to be less than substantial harm. The case officer will therefore need to balance this harm against the public benefits of the increased capacity of the care home.

5.52 It is however noted that the position of the proposed extension is not readily visible from the public realm due to the gated entrance to Tongdean Place preventing access. This would inevitably limit the perceived impact of the development from the public realm, and would not be considered to affect the appearance of the conservation area.

5.53 Regarding the proposed design, it is considered that the south elevation is far more successful than the north. Alterations in the massing and scale have been undertaken from the pre-app proposal to the current proposal, however as seen from Tongdean Place (north elevation) the development appears imposing and dominant, and would benefit from breaks in plane associated with the stepped roofs, following the contours of the site.

5.54 UK Power Network: No objection.

5.55 Southern Water: No objection.

Southern Water required a formal application for a connection to the public foul sewer to be made by the applicant. If recommended for approval, a condition should be attached requiring details of the sewerage disposal prior to commencement.

5.56 Sustainable Transport: No objection.

- 5.57 Cycle parking:
The applicant is proposing 8 cycle parking spaces and this is welcomed and accords with the City Council's Parking Standards SPD14. Details of the cycle parking facilities should be secured by condition.
- 5.58 The cycle parking access may be impeded if a car is parked in the adjacent parking space; therefore either the cycle parking should be relocated as part of the cycle parking condition above or a minimum of 1.1m turning space in front of the cycle parking access is created and incorporated into the changes to the car park layout.
- 5.59 Details of showers and changing facilities for staff should be provided. Parking Standards SPD14 requires convenient facilities for all residential institutions of 500m² and on the basis to cater for a minimum of 10% of staff.
- 5.60 Car parking:
The applicant is proposing an increase in car parking spaces from 9 to 12 car parking spaces plus 2 disabled spaces.
- 5.61 For this application the City Council's maximum car parking standards is 9 and for disabled parking the minimum standard is 3.
- 5.62 Therefore this proposal does not accord with Parking Standards SPD14 and the applicant has not provided evidence to warrant such parking other than to state that it fulfils their operational needs.
- 5.63 The Highway Authority therefore requests that the car park layout is amended via condition with a reduction in the number of car parking spaces to a level closer to the standards whilst increasing the number of disabled parking spaces from 2 to 3.
- 5.64 Any parking must not obstruct pedestrian and cycle access/ routes; however for the applicant's information the 1.2m side areas either side of disabled bays may be shared with pedestrian entrances/ cycle access and other disabled bays.
- 5.65 Trip Generation & Travel Plan Measures
There is forecast to be an increase in trip generation as a result of this proposal, however it is not considered that the impact on surrounding highway and transport networks would be significant enough to warrant reason for refusal in this instance.
- 5.66 The Highway Authority does request Travel Plan Measures via condition to mitigate this increase and promote sustainable travel to users of the site.

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
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP19 Housing mix

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
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO11 Residential care and nursing homes
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations relating to the application are the principle of the development, the design and appearance of the proposal on the surrounding

Conservation Area, the impact of the extension upon neighbouring amenity, the standard of accommodation proposed, the impact on trees and wildlife and transport issues.

- 8.2 The application relates to a two-storey detached property on Dyke Road Avenue. The property is Edwardian, built in 1901 with Old English vernacular consisting of red brick, tile hanging and half-timbering, with stone mullions and dressings to some windows. The building is situated within the Tongdean Conservation Area, and is described in the Tongdean Character Statement as the 'most notable of the surviving Edwardian houses', albeit the property is not listed. The plot is subject to a Tree Protection Order.
- 8.3 The property is currently in use as Oaklands care home for the elderly (use class C2). The building as existing provides 22 bedspaces. Planning permission is sought for the erection of a part two, part three-storey rear extension to the northwest of the site forming three new blocks on the existing care home. The extension would facilitate an extra 13 bedrooms.
- 8.4 The proposed extension would extend into the rear garden of the property by 35m. The two blocks closest to the main building would be two-storeys, with a maximum height of 9m from immediate ground level. The block closest to the rear of the plot would be single storey, with a maximum height of 5m. The structure would be built in brickwork with clay tiles to match the existing building.
- 8.5 The application has been submitted following pre-application advice provided in 2017. The applicant was advised at this stage that the Local Planning Authority would have concerns with an extension of the size and bulk proposed, however significant weight would be given to the public benefit of additional care home bedrooms in this instance in accordance with Local Plan Policy HO11 which supports the provision of such accommodation. It was recommended that the bulk of the extension should be reduced, the design should be improved and transport and arboriculture assessments should be undertaken.
- 8.6 Principle of development
Policy HO11 of the Brighton & Hove Local Plan states that planning permission will be granted for extensions to existing residential care and nursing homes where it can be demonstrated that the proposal:
- a. will not adversely affect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking;
 - b. provides adequate amenity space - (a minimum depth of 10m and not less than 25m² per resident - although a lower standard may apply for nursing homes where residents are less mobile);
 - c. is accessible to people with disabilities; and
 - d. provides for operational parking in accordance with the council's standards.
- 8.7 The applicant has submitted a care needs assessment document with the planning application submission, which sets out the need for additional care home bedrooms in Brighton & Hove. Policy HO11 of the Brighton & Hove Local Plan and Policy CP19 of the Brighton & Hove City Plan seek to secure

additional care home accommodation for the elderly and the Local Planning Authority supports applications for the extension of existing care homes in principle. The Adult Social Care team have supported the application, and welcome the provision of additional bedrooms in established care homes in the City.

- 8.8 The impact of the development on neighbouring properties is assessed fully below. With regard to criterion b of Policy HO11, it is acknowledged that the nursing home accommodates residents who are less mobile and therefore the amenity space provided in the proposed layout- a communal room and garden area- is considered acceptable in this instance. The property would be accessible to people with disabilities and the proposed parking layout is assessed in further detail below.
- 8.9 Design and appearance
The existing building comprises a two-storey Edwardian building set within a large plot with a front garden/driveway area and spacious garden area to the rear. The front elevation consists of brickwork, mock-tudor gables and clay-tile detailing. The rear elevation is simpler, with two gable features and brick/clay tile walls. On the northern side of the rear elevation, some modern extensions are evident. These additions are unsightly and do not contribute to the character of the host property.
- 8.10 The application seeks to extend the property from the northern end of the rear elevation. The extension would project into the rear garden by 35m. The first two blocks closest to the host property would be two storeys in height and the third block would be single-storey. The extension would be constructed in materials to match the host property. The structure would be visible along Tongdean Place, a private road serving two houses. The extension would not be readily visible from Dyke Road Avenue or elsewhere in the Conservation Area.
- 8.11 The Heritage Officer has noted that the proposed extension would involve a significant change in the relationship of the built area to the plot which would be uncharacteristic of the prevailing Tongdean Conservation Area. In addition, the proposed elevations are considered to appear imposing and dominant, particularly when viewed from Tongdean Place. The Heritage Officer has however acknowledged that the potential visual harm is considered to be less than significant in this instance. Attempts have been made to 'break up' the bulk of the elevations since pre-application discussions and the proposed design is a reflection of this suggestion.
- 8.12 The bulk of the extension is beyond that which would be expected of a building with the character of a dwellinghouse, particularly within its immediate surrounding which is predominantly residential. It is however acknowledged that the property has been in use as a care home for many years and the need for its expansion has been adequately demonstrated in the care needs assessment submitted with the application, supported by comments from the Council's Adult Social Care team who welcome the provision of additional bedrooms in established care homes. In this instance it is therefore considered that the

potential visible harm caused by the extension does not outweigh the benefit of the additional care home accommodation in this instance, and whilst the works would not preserve or enhance the Conservation Area, it would not be visible from surrounding public streets and the Heritage Officer has confirmed that the harm would be less than significant. Overall it is considered that the negative impact of the design and appearance of the extension would not outweigh the public benefit in this instance.

8.13 Impact on neighbouring amenity

The proposed extension would be situated opposite the rear elevations of properties along Chalfont Drive to the south. There would be a separation distance of at least 22m from the rear building lines of these properties, and a separation distance of at least 11m from the rear garden boundaries.

8.14 It is noted that an extension of this size and bulk would have an impact on the amenity of nos 26, 28 and 30 Chalfont Drive. The proposed two-storey structure would introduce windows at first floor level where a perception of mutual overlooking between the application site and the properties along Chalfont Drive would result. In addition, there would be a perception of overlooking to the rear garden areas of these properties.

8.15 Notwithstanding this, it is considered that a separation distance of at least 22m between building lines, and 11m between the extension and rear garden boundaries would not cause a significant level of overlooking between properties that is uncharacteristic of dwellinghouses in residential areas. For example, there is a similar separation distance between rear building lines for the properties on the opposite side of Chalfont Drive. On this basis it is considered that the harm caused by perceived and actual overlooking between the extension and the rear elevations of 26, 28 and 30 Chalfont Drive is not of a magnitude to warrant refusal in this instance.

8.16 It is unlikely that no significant overshadowing or loss of light would occur to neighbouring properties in this instance.

8.17 Similarly, it is considered that the separation distance between the extension and properties along Tongdean Place is sufficient to ensure that no significant harm to the amenity of these properties would occur given the level of screening that is provided between the properties, in the form of mature trees and vegetation.

8.18 Concerns have been raised in relation to potential light and noise nuisance from the care home to neighbouring properties in relation to its 24 hour use. It is acknowledged that the use of the property as a care home would involve light and movement beyond what would be expected in a residential dwelling. It is possible that bedrooms with lights on would be visible from the rear elevations of properties along Chalfont Drive, however given the separation it is unlikely that this would result in significant light pollution that would warrant refusal of the application.

- 8.19 Overall, concerns raised by neighbouring properties have been acknowledged. It is likely that there would be a perception of overlooking between the properties that does not exist at present. However, it is considered that the relationship between the built forms would reflect the urban grain of other residential properties within the area. It is also noted that the level of light visible from properties along Chalfont Drive would be increased in comparison to the existing layout, however given the separation distance the level of light pollution would not be of significant harm in this instance. It is unlikely that any overshadowing or loss of daylight would occur to any neighbouring properties.
- 8.20 Standard of accommodation
The application would allow for the provision of a net gain of 13 bedrooms in the property. All of the new rooms would have en-suite bathrooms and access to natural light and outlook. The floorspace of the new rooms measure between 22m²-28m². The proposed bedrooms would have a good amount of circulation space.
- 8.21 Policy HO11 of the Brighton & Hove Local Plan seeks to secure appropriate amenity space for residents and states that the amount of amenity space should allow 25m² per resident, although a lower standard would be accepted for care homes where residents are less mobile. In this instance, a communal lounge/dining area would be provided measuring 64m². This is considered to be acceptable for a care home for the elderly as residents are less mobile and this has been demonstrated in the submitted care needs assessment.
- 8.22 In addition, it is noted that the proposed extension would consume a large area of the existing garden. It is however considered that the remaining garden area (measuring approximately 500m²) would allow for sufficient amenity space for residents in this instance, in accordance with Policy HO11.
- 8.23 In light of the above, overall the proposed layout is considered to represent a good standard of accommodation for residents.
- 8.24 Impact on trees
The application site is subject to a Tree Protection Order. The proposed extension would involve the felling of two trees in the rear garden. There have been extensive discussions between the applicant and the Council's Arboriculture Officer during the course of the application. The site layout plan has been amended since the original submission, the removal of two trees in the front garden is no longer proposed.
- 8.25 Whilst the removal of the two trees in the rear garden is not objected to strongly, the Arboriculture Officer has raised concerns in relation to the impact of the development on the two mature trees in the north-eastern corner of the site. It is likely that the roots of these trees would be damaged during construction.
- 8.26 The Arboriculture Officer has recommended several conditions to mitigate the impact of the development on surrounding trees, including tree protection fencing and supervision of construction by a qualified Arborist.

- 8.27 In light of this information, concerns around the two mature trees in the north east corner of the site are noted. However, the applicant has provided a method statement and tree survey plans to demonstrate measures to mitigate the impact on these trees, such as root protection zones that will be safeguarded during construction, tree protection fencing and specialised construction methods to reduce the level of excavation.
- 8.28 Overall it is considered that the potential harm to protected trees does not outweigh the public benefit of additional care home bedrooms in this instance and approval of the application is recommended on these grounds. Measures to protect trees on site are secured by planning condition.
- 8.29 The layout of the front care park is secured by condition. Further comments from the Arboriculture team will be sought when a discharge of condition application is submitted and the layout of the car park has been established.
- 8.30 Transport impacts
The Transport Officer has stated that the level of cycle parking proposed is appropriate, and further details are requested by condition. The level of car parking proposed exceeds the Council's parking standards in this instance, therefore a revised car parking layout is requested by condition to reduce the level of car parking bays to 9 and to increase the amount of disabled car parking spaces to 3. The application site has good public transport links in the form of buses along Dyke Road Avenue.
- 8.31 The Transport Officer has also recommended a condition to secure sustainable travel measures for employees and visitors.
- 8.32 Concerns have been raised in relation to overspill parking along Chalfont Drive. These comments are noted however the impact of thirteen additional bedrooms on the surrounding highways network is not of a magnitude to warrant refusal of the application in this instance.
- 8.33 Biodiversity
The County Ecologist has no objection to the development in principle. A condition is recommended to improve the biodiversity on site.
- 8.34 Other matters
Queries have been raised in relation to restrictive covenants on the original deeds for the property. Legal covenants are a civil matter and have not been considered as part of this application for planning permission.
- 8.35 CONCLUSION**
The material planning considerations relating to the proposal have been fully assessed above. The potential harm caused by the development in terms of its visual impact, impact on neighbouring amenity and impact on protected trees has been acknowledged. However, it is noted that the proposal would provide thirteen additional bedrooms that would ensure the ongoing viability of an established nursing home that provides essential care for the elderly. On this basis it is therefore considered that the public benefit of the proposal would

outweigh the harm identified above. It is on these grounds that the application is recommended for approval subject to planning conditions.

9. EQUALITIES

9.1 None identified.

Planning application - BH2017/03152 39 Dyke Road Avenue Hove
Cllr Vanessa Brown

As a Councillor for Hove Park Ward I am writing to object to this planning application.

This is an overdevelopment of the site. It would have a detrimental effect on properties 26, 28 and 29 Chalfont Drive. The ground level in Dyke Road Avenue is at least 4ft higher than in Chalfont Drive which would make the 2 storey extension very domineering particularly to 26 Chalfont Drive as it would be built very near to the boundary.

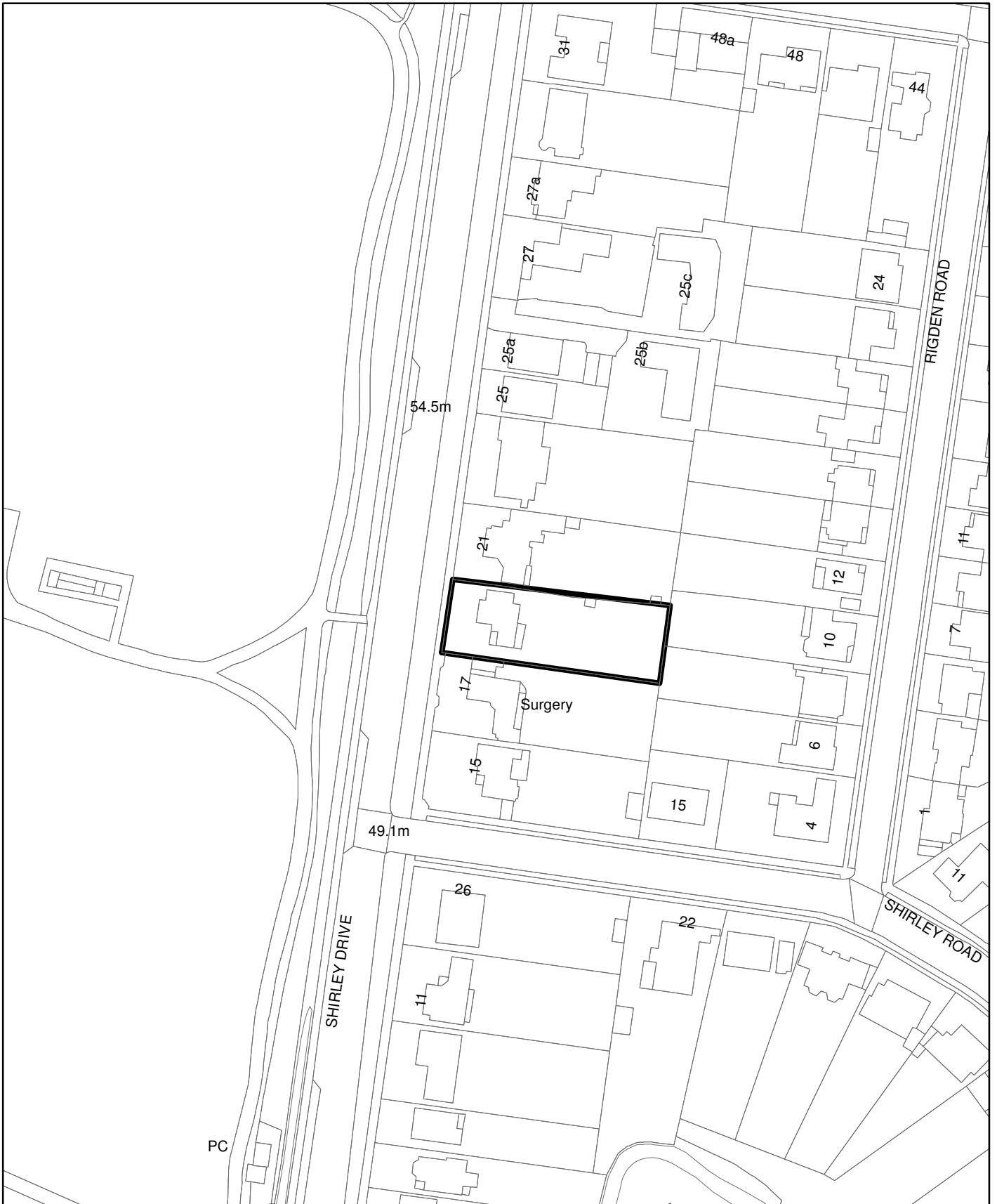
The new windows would directly overlook 26 Chalfont Drive which would cause a severe loss of privacy.

ITEM L

**19 Shirley Drive,
Hove
BH2017/03830
Householder Application**

DATE OF COMMITTEE: 13th December 2017

BH2017/03830 19 Shirley Drive Hove



Scale: 1:1,250

<u>No:</u>	BH2017/03830	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	19 Shirley Drive Hove BN3 6NQ		
<u>Proposal:</u>	Erection of first floor side extension over existing garage and a porch to the front elevation and a porch to the side elevation.		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	20.11.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15.01.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Barry Field 7 Queen Square Brighton BN1 3FD		
<u>Applicant:</u>	Mr Paul Sherman 19 Shirley Drive Hove BN3 6NQ		

Councillor Brown has requested that this application is determined by the Planning Committee.

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves that, had the Council determined the application prior to an appeal against non-determination, it **WOULD HAVE GRANTED** planning permission subject to the following Conditions and Informatives:

Conditions:

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

Plan Type	Reference	Version	Date Received
Block Plan Proposed	764 14	A	20 November 2017
Floor Plans Proposed	837 03	A	20 November 2017
Sections Proposed	837 05	A	20 November 2017
Elevations Proposed	837 08	A	20 November 2017
Elevations Proposed	837 09	A	20 November 2017
Floor Plans Proposed	837 10		20 November 2017
Roof Plan Proposed	837 11		26 January 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The 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 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 application site is a two storey detached house, on the east side of Shirley Drive.
- 2.2 The application proposes a first floor side extension over the garages and porches to the front and side elevations.

3. RELEVANT HISTORY

- 3.1 Appeal dismissed 17/10/17

BH2017/01223: Erection of first floor side extension over existing garage and a porch to the front elevation and a porch to the side elevation. Refused 30/5/17, appeal dismissed 17/10/17.

BH2010/03875: Outline application with some matters reserved for subdivision of site and erection of detached dwelling. Refused 21/2/11.

4. REPRESENTATIONS

- 4.1 One (1) letter has been received from a neighbour occupier, objecting to the proposed development on the following grounds:

Loss of light and dominant structure in front of the house. Breaches the 45 degree line.

- 4.3 Councillor Vanessa Brown objects to the proposed development, comments are attached attached.

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
CP8 Sustainable buildings
CP12 Urban design
CP19 Housing mix

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

TR7 Safe Development
TR14 Cycle access and parking
QD14 Extensions and alterations
QD27 Protection of amenity

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 An Appeal against non-determination has been lodged by the Applicant, as the Council failed to determine the application within the statutory 8 week period. The Council must present to the Planning Inspectorate what their decision would have been had the Council determined the application prior to an appeal being lodged. Considerations in this regard area set out below.
- 8.2 The main considerations in the determination of this application relate to the impact of the proposed development on the relationship between the proposed works and the neighbouring property, the resultant impact on the amenity of neighbours, and the design and appearance of the proposed extension.
- 8.3 The proposed development follows a previous application which was refused and the subsequent appeal dismissed. The consideration of the current

application has taken account of the inspector's reasons for dismissing the appeal.

8.4 Design and Appearance:

The new front porch, and the porch to the rear elevation would be small additions to existing structures and in locations which would not be highly visible. It is considered that these additions would not cause harm to the appearance of the main building.

8.5 The largest part of the proposed works would be the additional storey on the first floor over the garage on the north side of the building. This extension would occupy the same footprint as the existing garage, but would be in close proximity to the boundary with the neighbouring property at 21 Shirley Drive.

8.6 The previous refused scheme also included an overhanging element at first floor, which closed the gap between the new build and the boundary by 0.6m, down to 0.3m distance between the side of the extension and the boundary. This was considered to be a cramped and top heavy design that would adversely impact on the 'spacious character and placement' of the building within the street, and creating an unneighbourly bulk close to the boundary.

8.7 The Appeal Inspector's report agreed with this view, but found that in other respects the design and appearance of the extension would not harm the appearance of the property.

8.8 The current design is similar to the refused scheme in all respects, other than having brought the extension in from the northern boundary, such that there is no overhang at first floor level, and consequently a reduced impact along the boundary. This results in a scheme that would have far less impact on the appearance of the property, and the spacing between the application site and the boundary than the previous scheme.

8.9 In light of the proposed layout now extending no further than the existing footprint, and giving due weight to the Inspector's decision, the proposed extension is considered to be a suitable alteration to the property, that would not cause harm to the appearance of the property, nor the wider street scene and the relationship between the property and the neighbouring house.

8.9 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.

8.10 The proposed porches are considered to cause no amenity issues for neighbouring properties as they are small in scale and set well away from boundaries.

- 8.11 The proposed first floor extension would create a substantial additional height to the property close to the boundary, and would introduce a first floor element forward of the closest windows on the neighbouring property.
- 8.12 The relationship of the proposed first floor extension to the neighbouring windows in the previous refused scheme was considered to be sufficiently harmful to the amenity of occupants of the neighbouring property to warrant refusal. This application has, by virtue of bringing the proposed extension away from the boundary, reduced that impact and the degree of harm that it would cause.
- 8.13 To objectively assess the impact on amenity through loss of light and outlook from extensions, the relationship between buildings can be assessed using the '45 degree rule', which examines whether the proposed extension would breach a line drawn from the midpoint of a nearby window, or the quarter point of nearby windows in the case of two storey extensions. For two storey extensions, this test should be done in the horizontal and vertical planes.
- 8.14 In the case of the proposal being considered here, the proposed extension would not breach the 45 degree line vertically (i.e. from the roof to the ground floor windows), but would breach the horizontal line (i.e. from the front elevation back towards the closest window. In this context, the proposed first floor extension may be considered to result in harm to the amenity of neighbours.
- 8.15 However, the issue of amenity impact was considered in the Inspector's Appeal decision. In this, the Inspector identified that the affected rooms on ground and first floor have a dual aspect, with a large window facing onto the garden from the first floor, and large patio doors at the ground floor level. He found that due to these rear facing windows the overall impact of the proposed development would be offset. He stated that:

"I consider that the total amount of natural light within each respective room and the property as a whole would be of a good standard, and there would be no significant loss of amenity through loss of daylight, sunlight or additional overshadowing that would result in material harm to living conditions."

- 8.16 Giving due weight to the Inspector's findings, in which a previous larger scheme was deemed to be acceptable, in considering this current scheme which is of a smaller scale, it is considered that the proposed development would not cause harm to the amenity of neighbours sufficient to warrant refusal in this case.
- 8.17 Conclusion
The proposed development would result in an acceptable appearance, and the impact upon neighbouring amenity which would be caused does not warrant the refusal of planning permission. Approval is therefore recommended.

9. EQUALITIES

- 9.1 No implications identified.

COUNCILLOR REPRESENTATION

Planning application - BH2017/03830
Cllr Vanessa Brown

As a Ward Councillor I am writing to object to the above planning application.

The previous application was refused by the Council and also turned down on appeal and this application is little different. The extension is just very slightly reduced in size. The major problem is that the existing garage of number 19 Shirley Drive protrudes 8 metres in front of the living room and bedroom windows of 21 Shirley Drive. This is not obvious from the plans. As this would become two storey it will definitely take light from these rooms, particularly from the living area, as number 19 is on the South side.

If this application should be recommended for approval I would request that it goes before the Planning Committee for decision.

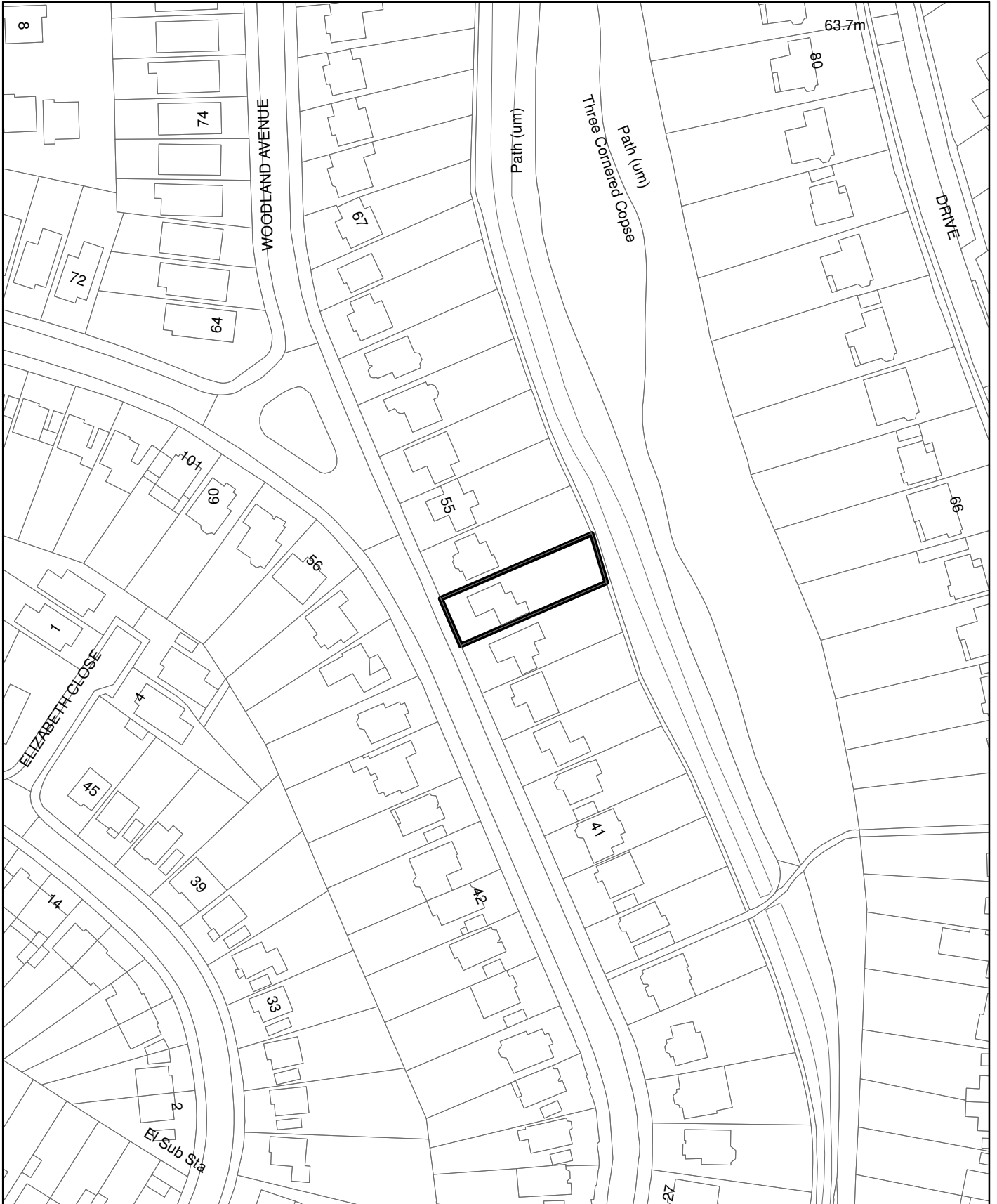
ITEM M

51 Woodland Avenue, Hove

**BH2018/00081
Householder Application**

DATE OF COMMITTEE: 13th December 2017

BH2018/00081 51 Woodland Avenue Hove



Scale: 1:1,250

<u>No:</u>	BH2018/00081	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	51 Woodland Avenue Hove BN3 6BJ		
<u>Proposal:</u>	Demolition of single storey rear extension. Erection of a part one part two storey rear extension, single storey side extension and associated works.		
<u>Officer:</u>	Sam Bethwaite, 292138	tel: <u>Valid Date:</u>	10.01.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	07.03.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Mr Romani Latif 51 Woodland Avenue Hove BN3 6BJ		

Councillor Brown has requested this application is determined by the Planning Committee

1. RECOMMENDATION

1.1 GRANT planning permission, subject to the following conditions and informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	TA1091 / 10 C		9 May 2018
Floor Plans Proposed	TA1091 / 11 C		26 June 2018
Elevations Proposed	TA1091 / 12 C		9 May 2018
Elevations Proposed	TA1091 / 13 D		26 June 2018
Sections Proposed	TA1091 / 14		9 May 2018

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

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

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

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informative: The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows would not satisfy the requirements of condition 3)

2. RELEVANT HISTORY

BH1999/02858/FP - Erection of rear PVCu conservatory - Approved 04.01.2000

BH2000/01974/FP - Single storey rear extension incorporating a Conservatory - Approved 18.09.2000

3. CONSULTATIONS

- 3.1 Brighton & Hove Archaeological Society - No Objection
- 3.2 County Archaeologist - No Objection. The site is within an Archaeological Notification Area but based on the information supplied no significant below ground archaeological remains are likely to be affected by these proposals.

4. REPRESENTATIONS

Original Proposed

- 4.1 Four (4) letters has been received from one neighbour, objecting to the proposed development on the following grounds: Overbearing impact, loss of light, loss of outlook, reduced privacy and the appearance of the building is out of keeping with the area.
- 4.2 Councillor Brown, objects to the proposed development and requests it should be heard at Planning Committee if recommended for approval. Comment attached.

Amended Proposed

- 4.3 Amended plans were submitted on 9 May 2018 showing a reduction in the projection of the first floor extension along the North boundary and a reduction in the ridge height of the extension. As a result of the revised plans the neighbours and contributors were re-consulted and given two weeks to submit comments on the revised application. The following comments were received.

- 4.4 Two (2) letters has been received from one neighbour, objecting to the proposed development on the following grounds: the proposed two storey extension remains out of character with the surrounding houses and will have a negative impact on no.53.
- 4.5 Councillor Brown, objects to the proposed development and requests it should be heard at Planning Committee if recommended for approval. Comment attached.

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 The site is a detached house on the east side of Woodland Avenue. It is not in a conservation area or covered by an Article 4 Direction which removes permitted development rights. The proposal is for the demolition of the existing single storey rear extension and conservatory and the erection of a part one/part two storey rear extension in the same footprint. At first floor level the north east corner of the extension is set in by 2.9m and set back by 2.7m. The first floor extension has a pitched roof that is a continuation of the main ridge with a gable to the South East corner that has a ridge which is 0.4m lower. The existing single storey element to the south side of the property is to have the roof rebuilt which will increase the height by 0.5m. To the north side the single storey projection housing the utility room is to be extended to the rear by 2.7m. The front door is to be relocated from inside an open porch to the front of the property with a canopy over. The front window of the ground floor study is to be enlarged.
- 6.2 The scheme originally submitted proposed a two storey extension within the footprint of the existing single storey rear extension and conservatory. This extension had a pitched roof that continued the ridge line of the main roof. The impact on the neighbouring property to the North, no.53 Woodland Avenue, was considered significant in terms of overshadowing and being overbearing and accordingly the proposal had been amended to address these concerns.
- 6.3 Further drawings were received on 26.06.18 that addressed minor inconsistencies within the submission. A first floor North elevation window shown in error was removed from the proposed first floor plan and a proposed

front elevation (un-altered from the original submission) was added to drawing TA1091/13 D.

6.4 Design and Appearance

The depth of the proposed part one/part two storey rear extension (4.6m) is in excess of half the internal depth of the original dwelling (8m), which can be a useful guideline in assessing the proportionality and design of an extension. However, in this instance, the detached nature of the existing house and the substantial size of the plot on which it sits ensures that the proposal would not appear as an overdevelopment of the host property or site as a whole.

6.5 The existing single storey rear extension and conservatory do not enhance the look of the property and the mix of roof designs and materials gives the rear elevation a somewhat contrived appearance. The proposed rear extension amalgamates the foot print of the existing structure into an extension that clearly relates to the host building. The proposed extension is finished in materials and details that match the existing house.

6.6 The new flat roof to the single storey element of the south elevation is considered an acceptable approach. The Council's design guide for extensions and alterations (SPD12) advises that a flat roof is acceptable to a side extension where it is set back significantly from the front elevation, as it is in this case.

6.7 The extension to the existing north side single storey element and the relocation of the front door with proposed canopy cause no harm in design terms.

6.8 Overall, the proposed extensions and alterations are considered acceptable 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.

6.9 Impact on Neighbouring Amenity

The impact on the adjacent properties at 53 Woodland Avenue has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit and no significant harm has been identified. It is noted that objections have been received in relation to the impact on this property.

6.10 The proposed rear extension does increase the mass of built form over the current arrangement. However, in order to mitigate any potential impact on the neighbour at no.53 the two storey element would be 4.8m away from the shared boundary. Additionally, any impact is further reduced as no.53 sits higher on the slope of the land than the subject property. As a result of these factors the proposed extension does not bisect views at 45 degrees from the neighbour's rear window (known as the '45 degree rule'). The orientation of the site means that the proposed rear extension will not significantly reduce the level of light received by the rear elevation and rear garden of no.53. Although the neighbour will be able to see the proposed extension the impact is not considered sufficient to warrant refusal.

- 6.11 The first floor window to the north elevation will be conditioned to be fitted with only obscured glazing. To the rear elevation the proposed first floor windows are not considered to significantly increase the level of overlooking.
- 6.12 The impact on the adjacent property at 49 Woodland Avenue has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit and no significant harm has been identified.
- 6.13 The proposed two storey extension does not project beyond an existing single storey rear extension at no.49. This ensures there would not be an unacceptable overbearing impact at ground floor level. The proposed two storey element is 3.3m from the boundary with this neighbour and similarly does not break the 45 degree rule. The 0.5m increase in height of the single storey projection to the south side will not have a significant impact on no.49. The first floor window to the south elevation will be conditioned to be fitted with only obscured glazing. To the rear elevation the proposed first floor windows are not considered to significantly increase the level of overlooking.
- 6.14 Overall it is considered that the scheme, as now amended, has overcome the initial concerns regarding the neighbours' amenity and is accordingly recommended for approval.

7. EQUALITIES

- 7.1 None identified.

Ref BH2018/00081 51 Woodland Avenue Hove
Councillor: Vanessa Brown

As a Councillor for Hove Park Ward I am writing to object to the above planning application.

Even with the alterations to the plans the proposed extension will still appear overly dominant to 53 Woodland Avenue due to the height and depth of the plans.

It would take light and sun from the kitchen and garden of 53 Woodland Ave as number 51 sits to the South.

If this application should be recommended to be passed I would like it to go before the Planning Committee for decision.

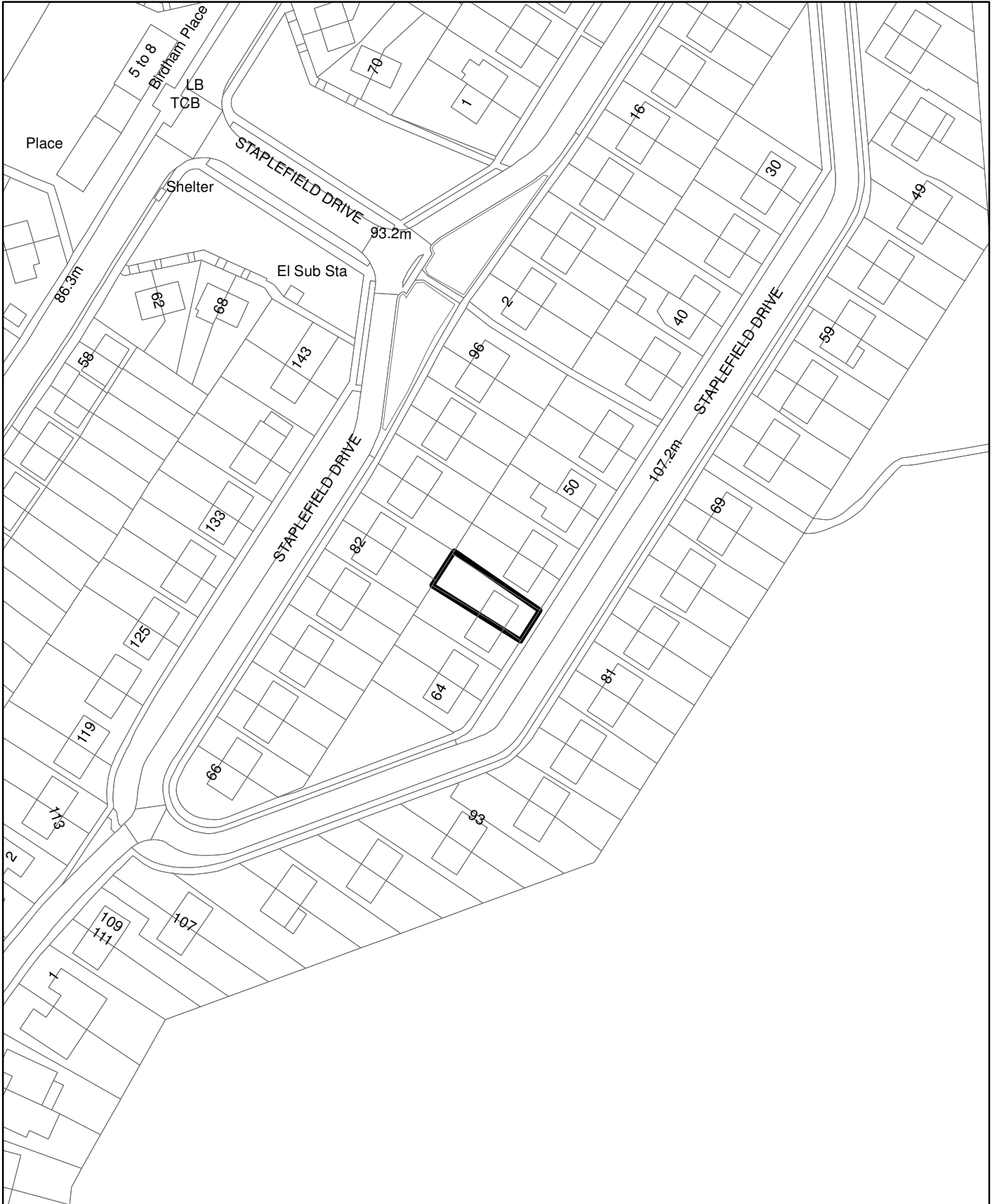
ITEM N

58 Staplefield Drive, Brighton

**BH2018/00164
Full Planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/00164 58 Staplefield Drive Brighton



Scale: 1:1,250

<u>No:</u>	BH2018/00164	<u>Ward:</u>	Moulsecomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	58 Staplefield Drive Brighton BN2 4RP		
<u>Proposal:</u>	Change of use from 3 bedroom dwelling house (C3) to 4 bedroom small house in multiple occupation (C4). (Retrospective)		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	18.01.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15.03.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	NGB Lettings 27 Western Road Hove BN3 1AF		
<u>Applicant:</u>	Umulisa B Immacule 58 Staplefield Drive Brighton BN2 4RP		

Councillor Yates has requested that this application is determined by the Planning Committee.

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Block Plan Proposed	R PL 01		18 January 2018
Floor Plans Proposed	R PL 02	A	11 June 2018
Elevations Proposed	R PL 03		18 January 2018

2. No extension, enlargement, alteration or provision within the curtilage of the 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.

3. The HMO use hereby approved shall not be occupied by more than 4 people.
Reason: To ensure that an acceptable standard of accommodation is provided and to comply with Policy QD27 of the Brighton and Hove Local Plan.
4. The kitchen and living rooms spaces shown on drawing no. P.02 Rev. A shall be retained and available for use as communal space at all times and shall at no time be used as bedroom space.
Reason: To ensure that an acceptable provision of communal space is retained and to comply with Policy QD27 of the Brighton and Hove Local Plan.
5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. While the use class C4, for a Small House in Multiple Occupation, allows for up to six occupants, the bedroom sizes and level of provision of communal space means the property is only suitable for occupation by five people.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a two storey semi-detached house on the west side of Staplefield Drive.
- 2.2 Retrospective planning permission is sought for the change of use of a three bedroom dwellinghouse (C3) to a small house in multiple occupation (C4) with four bedrooms.

3. RELEVANT HISTORY

BH2016/05603: Change of use from three bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4). (Refused 7/7/17)

4. REPRESENTATIONS

- 4.1 Three (3) letters have been received from neighbours, objecting to the proposed development for the following reasons:
- Too many HMO's in the area already.
 - Impact on tidiness of the area
 - Impact on local schools as there are fewer families in the area.
- 4.2 Councillors Yates and Meadows object to the proposed development. Comments are attached.

5. CONSULTATIONS

Internal:

- 5.1 **Private Sector Housing:** Comment (based on the scheme as originally submitted)
- The dining room is too small for the number of occupants.
 - The dining room would be better situated on the same floor as the kitchen.
 - The kitchen is too small to be used as a kitchen/diner.
- 5.2 **Sustainable Transport:** Comment
No objection subject to inclusion of a condition requiring satisfactory 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

CP9 Sustainable transport
CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development

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 principle of the change of use, its impact on neighbouring amenity, the standard of accommodation which the HMO use provides and transport impact.

8.2 Principle of Development

Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*

8.3 A mapping exercise has been undertaken which indicates that there are 35 neighbouring properties within a 50m radius of the application property. Three other properties have been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 8.57%.

8.4 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change use to a four bed house in multiple occupation would not be in conflict with the aims of policy CP21.

8.5 Design and Appearance:

There are no external alterations to the property, and consequently there are no adverse impacts on the design and appearance of the property. It is

recommended that permitted development rights to make any future alterations be removed by planning condition.

8.6 Standard of Accommodation

HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.

Whilst the Local Planning Authority does not have adopted space standards the 'nationally described standards' relate to new build developments and provide a useful guideline on acceptable room standards. The standards establish a minimum floor space for a single bedroom of 7.5sqm.

- 8.7 The application as originally submitted featured a dining room on the first floor in what is an existing small bedroom, measuring 7.0sqm. This was considered to be an unacceptable arrangement, as the dining space would have been too small for the number of occupants and in being separated from kitchen across two floors, further undermines the usability of the dining area. The resultant communal space was considered to be unacceptable.
- 8.8 Due to these issues, following discussions with the applicant the scheme has been amended to relocate the dining area into a larger room on the ground floor, adjacent to the kitchen. The level of communal space now proposed amounts to 21.25sqm.
- 8.9 The original scheme proposed two bedrooms on each of the ground and first floors, but the revised scheme has one bedroom on the ground floor and three on the first floor. The proposed ground floor bedroom would be 10.8sqm, which is considered adequate for a single occupant. The first floor rooms consist of one room measuring 12.1sqm, which is considered adequate for a single occupants. The front first floor bedroom measures 9.4sqm, which is considered adequate for a single occupant.
- 8.10. The final bedroom, in what was previously proposed to be the dining room, measures 7.0sqm. This would normally be considered as below the standards required for a single occupant, but this room is an existing bedroom, based on the original layout of the property, and has not been created at this size simply to offer additional accommodation. Given the established size of this room, and as the use of this room for other communal purposes would offer insufficient space, it is considered acceptable in this case that this room should be used as a bedroom for a single occupant.
- 8.11 Overall the proposed standard of accommodation is considered to be acceptable. Conditions are recommended to restrict the number of occupants

proposed to four, as this is the number proposed by the applicant, and also to ensure that the proposed communal rooms are retained as such and not used as additional bedroom space in the future.

8.12 Impact on Neighbouring Amenity:

This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMO's. While any additional HMO's have the potential for increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.

8.13 Occupation by 4 individuals may have a greater impact upon immediate neighbours than occupation by a family would be likely to but any harm caused is considered unlikely to be of a magnitude which would warrant the refusal of planning permission.

8.14 As detailed above it is recommended that the number of occupants be restricted to four by condition and also that permitted development rights be restricted by condition. This would ensure that any future proposals to increase the size of the HMO or increase occupancy of the HMO would require an application for planning permission.

8.15 Sustainable Transport:

No on-site parking is available however the proposed development is unlikely to cause a significantly increased demand for on-street parking. Cycle parking provision is recommended to be secured by planning condition.

9. EQUALITIES

9.1 No implications identified.

COUNCILLOR REPRESENTATION

Planning application - BH2018/00164 58 Staplefield Drive Brighton
Cllr Anne Meadows

This planning application should be overturned as it does not comply with the 10% rule for HMO's in a certain road/space. There are too many HMO's in this road now and it should not be granted.

Planning application - BH2018/00164 58 Staplefield Drive Brighton
Cllr Dan Yates

I wish to reiterate the issues which caused the previous application to be refused on 7th July 2017. The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- 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 council's 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 would ask that officers check the previously held additional licensing register to check the 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.

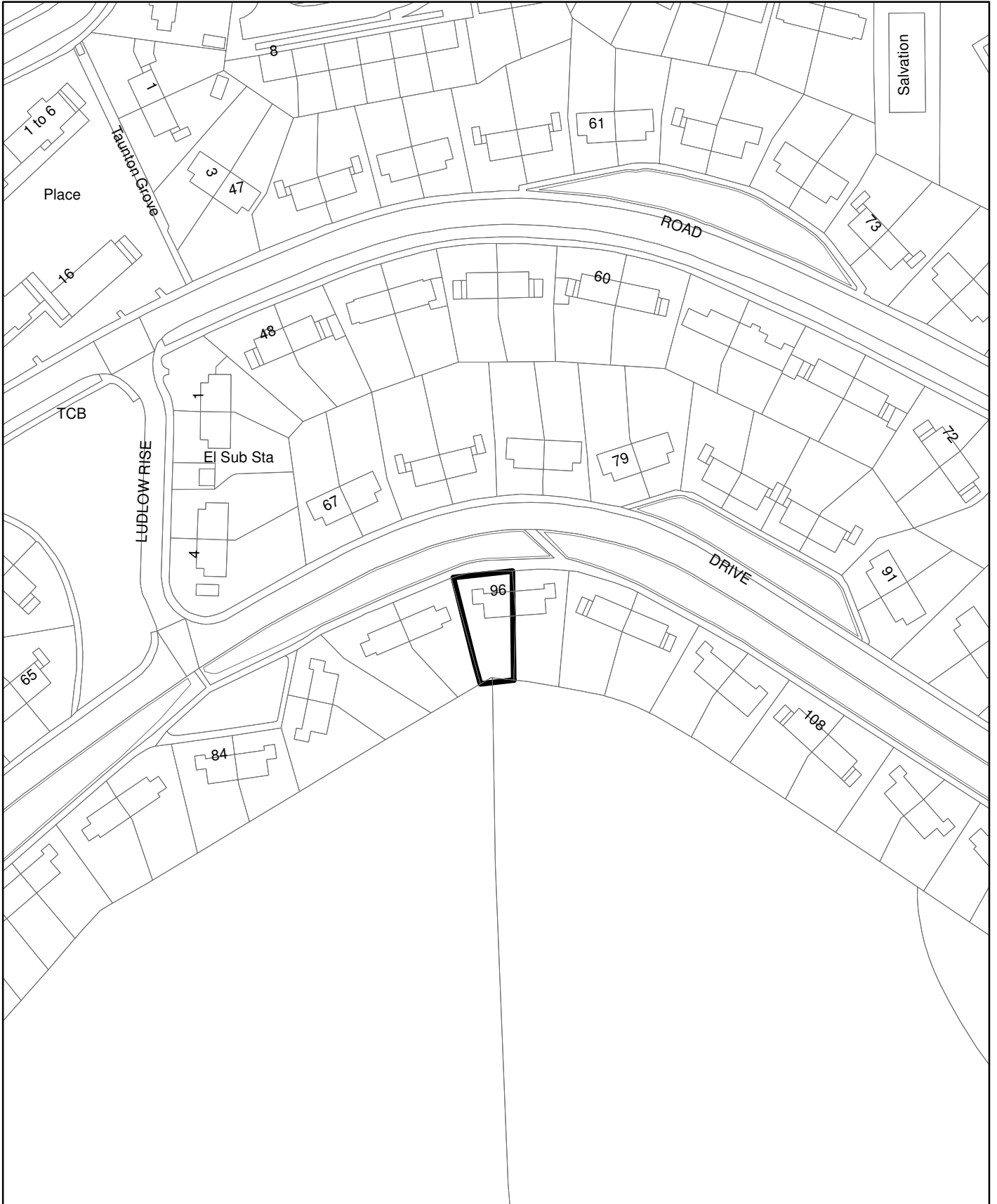
ITEM O

96 Auckland Drive, Brighton

**BH2018/01093
Full planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/01093 96 Auckland Drive Brighton



Scale: 1:1,250

<u>No:</u>	BH2018/01093	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	96 Auckland Drive Brighton BN2 4JG		
<u>Proposal:</u>	Change of use from three bedroom dwelling (C3) to four bedroom house in multiple occupation (C4).		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	26.04.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.06.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Dr Paul Evans C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

Councillors Yates, Meadows and Marsh have requested that this application is determined by the Planning Committee.

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Floor plans/elevations/sect proposed	1818 01	A	11 June 2018
Block Plan			09 April 2018
Location Plan			09 April 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The 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 Brighton & Hove City Plan Part One.

4. No extension, enlargement, alteration or provision within the curtilage of the 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.

5. The HMO unit hereby approved shall only be occupied by a maximum of four persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

6. The ground floor rooms annotated as lounge and kitchen as set out on drawing 1818 01 A, received 11 Jun 2018, shall be retained as communal space and shall not be used as a bedroom at any time.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a two storey semi-detached property located to the south of Auckland Drive.

2.2 Permission is sought for the conversion of the property from a three bedroom dwellinghouse to a four bedroom HMO. A small infill extension is proposed at the rear.

3. RELEVANT HISTORY

BH2016/06187- Change of use from three-bedroom dwelling (C3) to four-bedroom house in multiple occupation (C4). Refused 04/01/2018 for the following reason:

- By virtue of the limited size of two of the bedrooms on the first floor together with the ground floor bedroom being accessed directly off the kitchen and being positioned between the two communal areas, it is considered that the proposal would result in a cramped and poor standard of accommodation for future occupants. Accordingly, the development is considered to be contrary to policy QD27 of the Brighton and Hove Local Plan.

4. REPRESENTATIONS

4.1 **Three (3)** letter has been received, objecting the proposed development for the following reasons:

- loss of family housing, impact on community resources
- too many HMOs in the area
- increase in anti-social behaviours

4.2 **Councillor Yates** objects to the proposed development. Comments are attached.

4.3 **Councillor Meadows** objects to the proposed development. Comments are attached.

4.4 **Councillor Marsh** objects to the proposed development. Comments are attached.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection.

Verbal comment: The proposed scheme is not considered to result in a significant increase in on street parking. No cycle parking is proposed but this could be secured by condition in accordance with policy TR14. It is not considered that the proposals would result in a substantial uplift in trip generation and associated impact on surrounding highway and transport networks.

6. MATERIAL CONSIDERATIONS

6.2 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

- 6.3 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);
- 6.4 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
CP12 Urban design
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
QD14 Extensions and alterations
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 principle of the change of use, the impact upon neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.
- 8.2 This application is a resubmission following the refusal of application BH2016/06187 which was refused based on the standard of accommodation. Amended drawings were received during the course of this application, slightly increasing the size of two of the first floor bedrooms, and reducing the size of the hallway.
- 8.3 **Principle of development:**
The proposal would allow occupation of the property as a small HMO providing accommodation for 4 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom.

- 8.4 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:

'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 22 neighbouring residential properties within a 50m radius of the application property. Zero (0) other properties have been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 0%.

Based upon this percentage, which is not more than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

8.6 Standard of Accommodation for Future Occupiers

The proposed unit would comprise a kitchen / dining / living room and a bedroom at ground floor level in addition to three further bedrooms and a bathroom at first floor level. The layout at both ground and first floor was changed in order to address the previous reason for refusal.

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 7.5sqm. Notwithstanding the annotated floor area, the floor areas for the bedrooms appear to be 7.5sqm, 8.1sqm, 7.7sqm and 13.1sqm, meeting or exceeding the 7.5sqm minimum floor area for single occupancy. Furthermore the amount of community space is considered acceptable for the level of occupancy proposed. While the circulation space around the dining area is tight, it appears to be workable for a dwelling occupied by up to four (4) persons. It is recommended that the maximum occupation be secured by condition.

- 8.7 It is considered that the previous reason for refusal has been adequately addressed. Overall the standard of accommodation is considered acceptable for four occupants.

8.8 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.

The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use of the building due to more frequent comings and goings in addition to general movements and disturbance within the house.

Given the low proportion of other HMO's within the immediate vicinity of the site and that only four occupants are reside at the property, the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.

The proposed rear infill extension would not impact neighbouring amenity.

8.9 Sustainable Transport:

SPD14 requires 2 cycle parking spaces for a development of this type and level of occupation. Details and subsequent implementation of cycle parking shall be secured by condition.

8.10 Design and Appearance:

The rear porch to the existing store would be infilled to form the kitchen. The proposed alteration would not harm the appearance of the building or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

9. EQUALITIES

9.1 None identified.

Ref BH2018/01093 96 Auckland Drive Brighton
Councillor: Anne Meadows

Re; BH2018/01093 96 Auckland Drive Brighton BN2 4JG Change of use from three bedroom dwelling (C3) to four bedroom house in multiple occupation (C4).

I am writing to oppose this planning application on the grounds that we should resist the loss of family homes and as Bevendean is in the Article 4 ward it probably exceeds the 10% rule for HMO's in the area. There are a number of HMO's already in this road for eg: numbers 15, 37, 49, 52, 64 and 67 Auckland Drive are all HMO's.

I would like to call this into committee as I am concerned about the loss of family housing.

Planning application - BH2018/00164 58 Staplefield Drive Brighton
Cllr Anne Meadows

This planning application should be overturned as it does not comply with the 10% rule for HMO's in a certain road/space. There are too many HMO's in this road now and it should not be granted.

Ref BH2018/01093 96 Auckland Drive Brighton
Councillor: Dan Yates

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- 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 would ask that officers check the previously held additional licensing register to check 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.

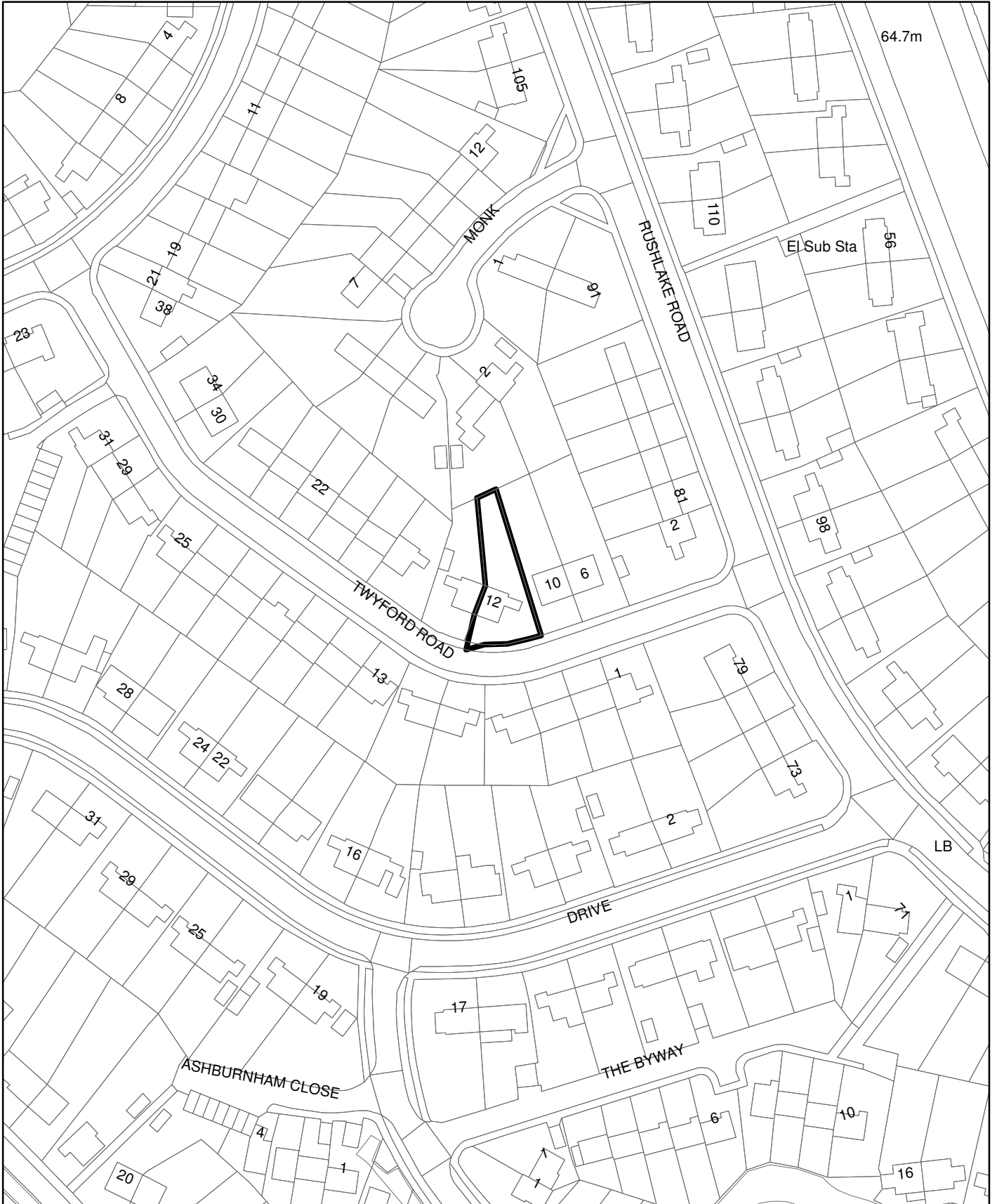
ITEM P

12 Twyford Road, Brighton

BH2018/00319

DATE OF COMMITTEE: 18th July 2018

BH2018/00319 12 Twyford Road Brighton



Scale: 1:1,250

<u>No:</u>	BH2018/00319	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	12 Twyford Road Brighton BN1 9GN		
<u>Proposal:</u>	Change of use from three bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4), with alterations to fenestration (part retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	01.02.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29.03.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Rivers Birtwell C/o Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

Councillors Hill and Inkpin-Leissner have requested that this application is determined by the Planning Committee.

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Floor plans and elevations proposed	COU.01	-	1 February 2018

2. 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.

3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no. COU.01 received on 1st February 2018, and shall be retained as such thereafter. The layout of the kitchen/dining/living room shall be retained as communal space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

4. No extension, enlargement, alteration or provision within the curtilage of the 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 site relates to a two storey semi-detached property, located on the north side of Twyford Road. The area is residential in nature.
- 2.2 The property is not located in a conservation area, but there is an Article Four Directive in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or sui generis use class).
- 2.3 Planning permission is sought for a change of use from three bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4), with alterations to fenestration (part retrospective).
- 2.4 There is a concurrent planning application at no. 15 Twyford Road for a change of use to a HMO. This application was registered second and has not been included as a HMO in the mapping exercise.

3. RELEVANT HISTORY

BH2018/00316- (15) Change of Use from 3 bedroom single dwelling (C3) to a 6 bedroom House in Multiple Occupation (C4) with alterations to fenestration. Under consideration.

4. REPRESENTATIONS

- 4.1 One (1) letter of representation has been received commenting that:
- Building works have commenced
 - Seventy Seven (77) letters of representation have been received objecting to the proposal for the following reasons:
 - Noise nuisance and anti-social behaviour
 - Litter problems
 - Already too many HMO's in the area
 - Extra strain on services and parking
 - Plans look inadequate to cater for a HMO
 - Area needs more family homes
- 4.2 Councillors Hill and Inkpin-Leissner have objected to the proposal and requested that the application be heard at Committee, the comments are attached.

5. CONSULTATIONS

- 5.1 **Transport Planning:** 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);
 - The 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

HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relates to the principle of the change of use, the design of the external works, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues.

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 by up to 6 unrelated individuals 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 39 neighbouring properties within a 50m radius of the application property; 1 other property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is therefore 2.56%.

8.6 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO complies with policy CP21.

8.7 Design and Appearance:

The proposed alterations to windows and rendering the rear part of the two storey side addition are considered acceptable in design terms.

8.8 Standard of Accommodation:

Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government's recent Technical Housing Standards - National Described Space Standards March 2015 document states that "in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide" and with respect of a double bed "has a floor area of at least 11.5m²" and "one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide".

8.9 The changes to the internal layout of the property would result in 2no bedrooms at ground floor level with an open planned kitchen and living area and 4no bedrooms and bathroom at first floor level.

8.10 The bedrooms meet the minimum national space standards and are adequate in terms of size and layout to cater for the furniture needed and with good levels of natural light and outlook within the unit.

8.11 The communal area, consisting of an open planned kitchen, lounge and dining area, measuring approximately 20sqm, would be fairly tight for a 6 person property. However, the communal space does have a functioning layout, the property benefits from a large rear garden space and the bedroom sizes are adequate in terms of size and circulation space. On this basis, with access to a large rear garden, a functional communal space and bedrooms with adequate amounts of useable floor space, the future occupants would likely benefit from an acceptable standard of accommodation and the application can be supported on this basis.

8.12 If however the kitchen/living space was converted to a bedroom in future, this would severely restrict the level of shared space available to the occupants. Therefore a condition will be applied restricting the use of this room to communal use only and the overall property to six people to ensure an acceptable layout and level of communal space is retained for six users.

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 proposed change of use from a C3 dwellinghouse to a six bedroom C4 HMO would result in a more intensive use of the property and a greater impact on the immediate and surrounding area. It is considered that the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission.

8.15 The proposed external works would not result in amenity harm.

8.16 Sustainable Transport:

Uplift in the number of trips could be expected as a result of the proposals. However, it is not considered that this would be substantial or amount to a severe impact upon surrounding highway and transport networks.

Cycle parking is proposed; details of which have been sought via condition.

9. EQUALITIES

9.1 None identified

Planning application - BH2018/00319
Cllr Michael Inkpin-Leissner

On request of Coldean residents and due to my own opinion, I herewith state my objection to the above quoted planning application.

The impact of this 6 room HMO on the surrounding residents in this area of Coldean, the community and nearby properties will be very significant due to the nature and intensification of occupation on this site.

1. Potential for noise and other environmental disturbance including waste management issues.
2. Inadequate provision of parking and consequential impact onto street parking. This area suffers already from lack of parking space.
3. Impact on community resources such as schools and health facilities due to the loss of family accommodation.

Should the recommendation of this application be to approve I would like this application to be discussed in the planning committee.

Planning application - BH2018/00319
Cllr Tracey Hill

Comment 1

I object to the application and request that if officer recommendation is to approve that the decision is made by committee.

Coldean is feeling the cumulative impact of HMO proliferation with multiple complaints of noise, antisocial behaviour, and refuse/recycling issues. There is considerable evidence linking these issues with HMO proliferation and it is not essential to demonstrate at each planning application that a particular property is the problem - it's the cumulative impact of many properties that causes the problem. Tenants tend to change every year so even an HMO that has not caused an issue in the past may well do in the future.

I'd like to ask officers to ensure that all HMOs which have previously been registered are included in the 10% threshold calculation, as well as all properties with three or more occupants which are zero rated for council tax.

It is absolutely essential that if this were to be approved, the number of occupants be limited by condition and permitted development rights suspended. There are numerous other examples, such as 81 Hawkhurst Road, where there was a planning application very similar to this. As soon as it was approved, the bulldozers moved in and the property was completely gutted inside and a full width loft conversion and rear extension done to remodel it for 9 rooms. This has been done with no permission in place and has generated considerable impact on neighbours and ill feeling. We don't want the same thing here again.

Comment 2

This is an addendum to my previous objection. Please note that there is also a planning application for HMO use at 15 Twyford Road. Please take that into consideration when doing the 10% threshold calculation. If approval is given, it should count towards the 10%. Thank you.

Information on Pre-application Presentations and Requests 2018

Date	Address	Ward	Proposal	Update
06/02/18	Gala Bingo Site, Eastern Road, Brighton	Queen's Park	Residential-led mixed use redevelopment for c.400 homes set over c. 2,900sqm commercial and community uses.	Drawing up PPA and a further round of pre-app is anticipated.
06/03/18	Preston Barracks (Watts Site), Lewes Road, Brighton	Hollingdean & Stanmer	Reserved matters for multi-storey car park & Business School.	Application BH2018/00689 under consideration.
06/03/18	29-31 New Church Road, Hove	Westbourne	Mixed use development.	Initial scheme presented to members on 12/12/17. Awaiting submission of application
06/03/2018 & 03/04/2018	Toad's Hole Valley, Hove	Hangleton & Knoll	Mixed use development comprising residential, neighbourhood centre, secondary school, B1 floorspace, SNCI enhancements, accesses from highway, landscaping and parking.	Transport issues presented to members 06/03/18. All other issues presented on 03/04/18. Negotiations & discussions continuing.
08/05/18	Longley Industrial Estate, New England Street, Brighton	St Peter's & North Laine	Mixed use scheme, 3000sqm B1 with 200-250 'build-to-rent' residential units above, 1000sqm communal space, disabled car parking, public realm improvements.	Pre-application discussions in progress.
08/05/18	119-131 London Road (Co-op and Boots), Brighton	St Peter's & North Laine	Mixed use redevelopment to re-provide retail and student accommodation above.	

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.

08/05/18	Rear of Lyon Close, Hove	Goldsmid	Mixed use scheme 160 units (C3) and 1000sqm office (B1) floorspace.	Application BH2018/01738 submitted.
05/06/18	Former Peter Pan amusements, Madeira Drive, Brighton	Queen's Park and East Brighton	Mixed use leisure/commercial including outdoor pool (temporary 5yrs).	
17/07/18 requested	Enterprise Point, Melbourne Street, Brighton	Hanover & Elm Grove	Purpose Built Student Housing (350 bedspaces), with some employment space at ground floor and affordable housing block	
11/09/18 requested	Gala Bingo Site, Eastern Road, Brighton	Queen's Park	Residential-led mixed use redevelopment for c.400 homes set over c. 2,900sqm commercial and community uses. NB the scheme is likely to be revised in advance of the presentation to Members.	Drawing up PPA and a further round of pre-app. Preparing to submit revised scheme in August. Previously presented scheme to Members on 6 th Feb. Scheduled for SE Design Review on 4 th Sept. Previously held Design Review on 30 th Jan.
TBC	GBMET Pelham Campus, Brighton (2 nd pre-app presentation)	St Peter's & North Laine	Hybrid application including detailed proposals for extensions and refurbishment of existing college building and new public square. Outline planning application for new residential development east of Pelham Street.	
TBC	Sackville Trading Estate, Sackville Road, Hove	Hove Park	Mixed residential and commercial development.	

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

<u>WARD</u>	GOLDSMID
<u>APPEALAPPNUMBER</u>	BH2018/00070
<u>ADDRESS</u>	Station Car Wash Hove Station Goldstone Villas Hove BN3 3RU
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 2no canopies to front concourse.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	05/06/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HOLLINGDEAN AND STANMER
<u>APPEALAPPNUMBER</u>	BH2017/01810
<u>ADDRESS</u>	12 Rushlake Road Brighton BN1 9AD
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to existing outbuilding in rear garden including replacement of existing garage door, alterations to fenestration and installation of hand railing. (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	22/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/03120
<u>ADDRESS</u>	20 Ashurst Road Brighton BN2 4PH
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for proposed loft conversion incorporating hip to gable extension, rear dormer and 2no front rooflights.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	05/06/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/04133
<u>ADDRESS</u>	110 Auckland Drive Brighton BN2 4JG

DEVELOPMENT DESCRIPTION

Application for removal of condition 5 of application BH2017/02434 (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) which states that 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.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

05/06/2018

APPLICATION DECISION LEVEL

Delegated

WARD

REGENCY

APPEALAPPNUMBER

BH2017/03454

ADDRESS

48-50 Western Road Brighton BN1 2EB

DEVELOPMENT DESCRIPTION

Variation of Condition 1 of application BH2015/03290 (Change of use from retail (A1) to 6no one bedroom flats and 3no two bedroom flats at basement, first and second floors) to allow amendments to approved drawings.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

05/06/2018

APPLICATION DECISION LEVEL

Delegated

WARD

ROTTINGDEAN COASTAL

APPEALAPPNUMBER

BH2015/01890

ADDRESS

Land To The East Of The Vale Brighton

DEVELOPMENT DESCRIPTION

Erection of 6no three bedroom dwellings (C3), detached garages and 2no detached single storey out buildings.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

05/06/2018

APPLICATION DECISION LEVEL

Not Assigned

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WISH**

BH2017/02994

40 - 42 Portland Villas (Land Adjacent To 40 Portland Villas) Hove BN3 5SB

Variation of Condition 1 of planning application BH2016/05746 (Demolition of existing garages and erection of 1no three bedroom house) to allow amendments to approved drawings for the creation of second floor balcony to the front elevation & enlarged rear dormer.

APPEAL IN PROGRESS

05/06/2018

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2017/04033

17 Gableson Avenue Brighton BN1 5FG

Certificate of Lawfulness for proposed construction of garden room in rear garden.

APPEAL IN PROGRESS

05/06/2018

Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

NB: The position remains unchanged from that reported to Committee on 9 May 2018

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:	24.04.2018 at Council Chamber, Hove Town Hall.
Site Location:	Land South Of Ovingdean Road, Brighton

APPEAL DECISIONS

	Page
A –69 NEW CHURCH ROAD, HOVE – WESTBOURNE	371
Application BH2017/00407 - Appeal against refusal to grant planning permission for erection of semi-detached garage incorporating enlargement of existing crossover and associated works. APPEAL DISMISSED (delegated decision)	
B – LOWER GROUND FLOOR FLAT, 54 BRUNSWICK SQUARE, HOVE – BRUNSWICK & ADELAIDE	373
Application BH2016/06313 – Appeal against refusal to grant planning permission for conversion of existing lower ground floor flat (C3) to 2no flats (C3) with associated alteration to fenestration, removal of fire escape and addition of a metal balustrade at ground floor level. APPEAL DISMISSED (delegated decision)	
C – PAVEMENT OUTSIDE 1 CHURCH STREET, BRIGHTON – ST PETER’S & NORTH LAINE	377
Application BH2017/01908 - Appeal against refusal to grant planning permission for proposed call box. APPEAL DISMISSED (delegated decision)	
D – PAVEMENT OUTSIDE 186 WESTERN ROAD, BRIGHTON – REGENCY	383
Application BH2017/01911 – Appeal against refusal to grant planning permission for proposed call box. APPEAL DISMISSED (delegated decision)	
E – 29 SOUTHAMPTON STREET, BRIGHTON -	387
Application BH2017/00749 – Appeal against refusal to grant planning permission for proposed change of use from 4 bedroom single dwelling house (C3) to a 5 bedroom small house in multiple occupation (C4). APPEAL DISMISSED (delegated decision)	
F – 9 CORONATION STREET, BRIGHTON - HANOVER & ELM GROVE	389

Application BH2017/02666 – Appeal against refusal to grant planning permission for proposed change of use of a (C3) dwelling house to Sui Generis large house in multiple occupation. **APPEAL DISMISSED** (delegated decision)

G – MARLBOROUGH HOUSE, 54 OLD STEINE, BRIGHTON – REGENCY 395

Applications A, BH2017/01692 & B BH2017/01990 - Appeals against refusal to grant planning permission for display of an externally illuminates mesh scaffold shroud and proposed repainting of the east elevation and window frames. **APPEALS ALLOWED (Listed Building Consent Granted)** (delegated decision)

401

H – BATHURST, 2 CLARENCE SQUARE, BRIGHTON - REGENCY

Application BH2017/02290 - Appeal against refusal to grant planning permission for replacement of existing timber windows with new UPVC windows to match. **APPEAL DISMISSED** (delegated decision)

I – 31 UPPER GARDNER STREET, BRIGHTON – ST PETER’S & NORTH LAINE 403

Application BH2017/02586 – Appeal against refusal to grant planning permission for replacement of existing asphalt flat roof and the addition of decking kitchen and bathroom at the back of the property. Obscured railings will be around the edge of the flat roof and a narrow staircase built to allow access to a small backyard. There are already three existing roof terraces in the area which overlook the back to back gardens. This addition would increase outdoor space for the property threefold as well as increasing green space in the North Laine and encouraging bird life. **APPEAL DISMISSED** (delegated decision)

J – 53 SURRENDEN CRESCENT, BRIGHTON – WITHDEAN 407

Application BH2017/00303 – Appeal against refusal to grant planning permission for erection of a single storey two bedroom house at basement level. **APPEAL DISMISSED** (delegated decision)

411

K – 48 LENHAM AVENUE, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL

Application BH2017/02991 – Appeal against refusal to grant planning permission for erection of a rear elevation, raising of side staircase construction, roof alterations and extension and associated alterations. **APPEAL ALLOWED (subject to the conditions set out)**(delegated decision)

L – 3 DITCHLING RISE, BRIGHTON – PRESTON PARK

415

Application BH2018/00181 – Appeal against refusal to grant planning permission for demolition of existing boundary wall to form new single off-street driveway space with crossover to the public highway.

APPEAL DISMISSED (delegated decision)

M – 2 DOWNS VALLEY ROAD, BRIGHTON – WOODINGDEAN

417

Application BH2017/03601 – Appeal against refusal to grant planning permission for erection garage extension and awning. **APPEAL**

DISMISSED (delegated decision)

N –148 THE RIDGEWAY WOODINGDEAN, BRIGHTON – WOODINGDEAN

421

Application BH2017/03237 – Appeal against refusal to grant planning permission for demolition of garage and erection of two three bedroom single dwellings. **APPEAL DISMISSED** (delegated decision)

O – 41 WESTFIELD AVENUE, NORTH, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL

429

Application BH2013/000568 – Appeal against enforcement notice, breach of planning control as alleged in the notice is without planning permission extensions to the east, west and north elevations and the complete removal and reconstruction of the roof with a raised ridge height, incorporating gable ends and a rear dormer window. **APPEAL DISMISSED AND ENFORCEMENT NOTICE UPHELD** (delegated decision)

P – 50 LUSTRELLS CRESCENT, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL

433

Application BH2017/03313 – Appeal against refusal to grant planning permission for loft conversion including raising the ridge line, rear dormer and front rooflights. **APPEAL DISMISSED** (delegated decision)

Q – LAND R/O 87 & 89 COWLEY DRIVE, WOODINGDEAN, BRIGHTON – WOODINGDEAN

437

Application BH2017/01970 – Appeal against refusal to grant planning

permission for demolition of existing detached garage and erection of
1 two bedroom dwelling fronting Donnington Road. **APPEAL
DISMISSED** (delegated decision)



Appeal Decision

Site visit made on 17 April 2018

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 6th June 2018

Appeal Ref: APP/Q1445/W/17/3191215

Rear of 69 New Church Road, Hove BN3 4BA

- 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 Portland Properties against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00407, dated 31 January 2017, was refused by notice dated 10 November 2017.
 - The development proposed is erection of semi-detached garage incorporating enlargement of existing crossover and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. As it is clearer in relation to the nature of the proposed development, I have followed the description of development given in the Council's decision.

Main Issues

3. The main issues in this case are:-
 - the effect of the development on the character and appearance of the area; and
 - the effect on the living conditions of the occupiers of 69 New Church Road with respect to outdoor amenity space and of neighbouring occupiers with respect to outlook.

Reasons

Character and appearance

4. The appeal site is a small area of open land to the rear of No. 69 New Church Road, a former dwellinghouse now containing three self-contained flats. The evidence indicates that this land was approved as amenity space for the flats when planning permission for conversion was granted. Although the appellant has indicated that the land is currently unused, this is hardly surprising since it has been separated from the property by a brick wall and fencing, and the leasing arrangements for the flats prevent it. However, the evidence before me, including that relating to enforcement actions intended to secure access from 69 Church Road, and the absence of any approved change of use, compellingly indicates that it remains an area of residential garden.
-

5. Houses along New Church Road are generally large detached properties with generous rear gardens. That of No. 69 has been truncated in the past, and now has a large double garage to the rear. The site has a frontage on Richardson Road, which contains parades of terraced shops and mews developments and is more urban in character. However, the site is bounded by a domestic garden wall and so retains a stronger visual relationship with No. 69.
6. The appeal development would insert a garage into the garden space, attached to the existing garage, with a widened crossover and a large area of hardstanding in front.
7. The creation of an additional built element in the site where garden space might be expected and the lack of rear garden space to No. 69 would give rise to a crammed and cramped arrangement, while the removing the domestic boundary treatment further to open up the site on Richardson Road would create the impression of a large parking area and would increase the urbanising effect. This would be in conflict with the more open and suburban character of houses along New Church Road, in which garden spaces play an important role. These effects would be clearly visible from and along Richardson Road and so would be harmful to the character and appearance of the area, including the street scene.
8. The development would therefore fail to respect the character and urban grain of the neighbourhood, and would conflict with policy CP12 of the Brighton and Hove City Plan Part One 2016.

Living Conditions

9. The development would permanently remove the outdoor amenity space from 69 New Church Road, leaving no garden area for potential private use. This would be harmful to the living conditions of occupiers of that dwelling.
10. The new garage building would be around 0.9 – 1.0 m higher than the existing boundary fence with the rear garden of No. 67 New Church Road, and in combination with the existing double garage, would form a long continuous built element on that boundary. There would, as a result, be some reduction in outlook from that garden, which would be harmful to the living conditions of occupiers of the dwelling.
11. The development would, due to the loss of the private useable amenity space, thus be contrary to the requirements of policy HO5 of the Brighton and Hove Local Plan 2005 (the LP). It would also conflict with policy QD27 of the LP, which seeks to resist development which would cause material nuisance and loss of amenity to existing and/or adjacent residents or occupiers.

Conclusion

12. For the reasons given above, therefore, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR



Appeal Decision

Site visit made on 10 May 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 June 2018

Appeal Ref: APP/Q1445/W/18/3192794

Lower Ground Floor, Flat 54 Brunswick Square, Hove BN3 1EF

- 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 Gordon Winter against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06313, dated 2 December 2016, was refused by notice dated 6 October 2017.
 - The development proposed is the conversion of an existing lower ground floor flat (C3) to 2no flats (C3) with associated alteration to fenestration. Removal of metal fire escape and addition of a metal balustrade at ground floor level.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property is part of a Grade I Listed Building. However, the works associated with the appeal scheme in this case received conditional listed building consent from the Council¹.
3. In the banner heading above I have used the description of development as it appears on the Council's Decision Notice, rather than the one on the application form². The description used above accurately captures the scope of the proposed development; and the address of the appeal property and the nature of the permission applied for are clear from elsewhere within the banner heading.

Main Issues

4. The main issues in this case are firstly, the effect of the proposed development on the living conditions of its future occupants in terms of privacy; and secondly, whether the proposed development would result in the loss of a smaller dwelling suitable for family housing.

¹ Council reference: BH2016/06314

² Which is "Full Planning and Listed Building Consent for 2 proposed residential units in lieu of 1 existing unit including internal and external alterations at lower ground floor level at 54 Brunswick Square, Hove, BN3 1EF."

Reasons

Living Conditions

5. The proposed development, as described above, would result in the sub-division of a lower ground floor flat into two separate one-bedroom units. One at the front of the property and one at the back both accessed via a communal hallway from the front door. The large multi-light window of the front unit's bedroom would overlook a central courtyard area, which would also be close to the bathroom window of the proposed flat to the rear. The courtyard could be accessed by a door within the area under the control of the rear flat.
6. Due to the intimacy of the courtyard's relationship with the large window of the proposed bedroom of the front flat, its use as an amenity area in association with the rear flat would result in a high degree of intrusive overlooking, and this would clearly fail to provide an adequate level of privacy to the front flat's future occupants. Moreover, the installation of obscure glazing would substantially restrict the outlook available from the bedroom window, and could require listed building consent- and I have no material before me to suggest that such consent would be forthcoming. Consequently, I consider that obscure glazing would not provide a practical solution to address these privacy effects in this case.
7. However, the National Planning Policy Framework (the Framework) states³ that decision-takers should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions. Consequently, I am mindful of the appellant's view that the access to the courtyard could be restricted so that it would not be used as amenity space and only for maintenance purposes.
8. The Framework also establishes, however, that conditions should only be attached where, amongst other things, they are enforceable. In this case, given the position of the courtyard within the centre of the appeal property it is effectively shielded from publically accessible views. As a result of this positioning, I am not persuaded that a condition restricting access to the courtyard would be enforceable. Consequently, I consider that such a condition would not provide a means to overcome the proposed development's manifestly harmful privacy effects.
9. Whilst I note the freeholder's intention to retain the key to the courtyard as a way of restricting its use, no legally enforceable mechanism has been supplied with the appeal documents which would secure this intention. Therefore, it is far from certain at this stage that access to the courtyard would be restricted.
10. Consequently, the proposed development would cause harm to the living conditions of its future occupants in terms of privacy, and would in these terms conflict with Policy QD27 of Brighton and Hove's Local Plan (adopted July 2005) (the Local Plan). Amongst other matters, this policy seeks to ensure that the amenity of the proposed users of developments is protected.

Family Housing

11. Policy HO9 of the Local Plan relates to residential conversions and sets out, amongst other criteria, that conversion of dwellings into smaller units will only

³ At paragraph 203

be permitted where the original floor area is greater than 115 SqM. Conversions must provide at least one property suitable for family accommodation, unless, amongst other exceptions, the proposal would be poorly located to meet the needs of families.

12. The appellant estimates that the original floor space of the appeal property, excluding the storage areas to the front and within the central courtyard to be around 129 SqM. I note that the Council considers rooms to the rear of the appeal property to be additions that do not comply with the definition of 'original floorspace' given in the Local Plan. Nevertheless it is clear that these rooms, annotated as 'Boiler room' and 'Bedroom 1' on the Existing Floor Plans drawing⁴, are of some age and have a clear functional relationship to the building as a whole- attested to not least by the presence of the large chimney breast, apparently previously associated with a substantial kitchen range in "Bedroom 1". Moreover, there is a notable similarity in layout between the appeal property and other adjacent ones within the Square which further emphasises the long-standing nature of its rear rooms. Consequently, I consider that it has not been established that the rear rooms are later additions to the original floorspace, and in arriving at this view I am mindful of the evidence submitted by the appellant from the curator of the Regency Town House at 13 Brunswick Square, insofar as this states that the appeal property's basement "displays a very typical Brunswick Town layout". Accordingly, for these reasons, I find that the appeal scheme would meet the floorspace criteria of Policy HO9.
13. The appeal property is located at a subterranean level and accessed by stairs, which would limit its attractiveness for family occupation, particularly for younger families with pushchairs and so forth. In these regards, I note the appellant's observation that a considerable number of basements in the Square are converted to flats partly due to these reasons. Consequently, I find that the appeal property is poorly located to meet the needs of families, and thus would meet the exception to the requirement to provide family housing set out within Policy HO9.
14. Accordingly, taking these matters together leads me to the conclusion on this main issue that the proposed development would not result in the loss of a dwelling suitable for family housing and would therefore not conflict with Policy HO9 of the Local Plan insofar as it seeks to manage residential conversions, and protect the supply of smaller family houses.

Other Matters

15. The above-referenced listed building consent established that the proposed works in association with the appeal scheme would preserve the building and its special interest. I saw nothing on-site or within the plans to lead me to different conclusions in this regard. Accordingly, mindful of the duty arising from section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I conclude that the proposed development would preserve the listed building and its special architectural and historic interest. Moreover, the external changes mooted by the proposal would be minor in nature, and sensitive to its character and fabric. Therefore, mindful of the duty arising from section 72(1), I conclude that the character and appearance of Brunswick Town Conservation Area would be preserved.

⁴ Reference M 111/02 Revision A

16. Notwithstanding these considerations, it has not been demonstrated that the proposed development is the only way to secure the significance and special interest of the building, or that other uses would not share its level of effect in these heritage regards. Consequently, the proposed development's heritage aspects carry only moderate weight in the overall planning balance. In arriving at this view, I am mindful of the appellant's comments regarding their intention to secure the future of the property, and that they had taken it on after a lengthy period of vacancy; and the assertions regarding the repair and management of some other properties in the vicinity.
17. The appellant makes references to the Council's handling of the planning application that led to this appeal. However, this is essentially a procedural matter which does not have a bearing on the planning merits of the appeal.

Conclusion

18. The proposed development would not conflict with Policy HO9 of the Local Plan insofar as it seeks to restrict residential conversions. However, this only evidences an absence of harm in these regards rather than a positive benefit of the scheme and accordingly has only a neutral effect on the overall planning balance. Whilst I have found that the appeal scheme's heritage aspects would weigh moderately in its favour, the harm that it would cause to the living conditions of its future occupants, a matter to which I attach considerable weight, clearly tips the balance against its approval.
19. Consequently, no material considerations have been advanced in favour of the scheme that would support a development other than in accordance with the development plan with which, in terms of Policy QD27 of the Local Plan, it clearly conflicts.
20. Therefore, for the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR



Appeal Decision

Site visit made on 5 June 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2018

Appeal Ref: APP/Q1445/W/18/3193442

Pavement outside 1 Church Street, Brighton, BN1 1UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended).
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd, against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01908, dated 22 March 2017, was refused by notice dated 28 July 2017.
 - The development proposed is a call box.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed call box was refused prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) (the GPDO). The principle of this type of development is already established by the Order and it is only the effects of siting and appearance which are to be considered in this appeal.
3. The Council's reasons for refusal refer to conflict with a number of development plan policies. Whilst I have taken them into account as material considerations, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply as the principle of development is established through the grant of permission by the Order. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. Concern has been expressed by the Council about the potential for the proposed structure to accommodate advertisements. However, the installation of a call box and the display of an advertisement are two separate matters and considerations relating to the latter are not before me. Consequently I have only considered the effects of the call box in the determination of this appeal.

Main Issues

5. The main issues are the effects of the siting and appearance of the call box on:
 - the character and appearance of the area, including the Valley Gardens Conservation Area and the setting of nearby listed buildings; and
 - pedestrian users and highway safety.

Reasons

Character and appearance

6. The appeal site comprises part of the pavement in front of the Mash Tun Public House, which is an attractive three storey corner building which makes a positive contribution to the Valley Gardens Conservation Area, in which it is situated.
7. The character of the Conservation Area as a whole is derived from mix of uses, including commercial, residential, retail, cultural, educational, and recreational. The townscape of this area is dominated by the public gardens and open spaces which run its length. Buildings are typically three or four storey terraces. The architecture generally shares a common Regency/early Victorian style based upon classical architecture and the elevations are most commonly stucco render, punctuated by sash windows graduated in size to reflect the primary importance of the ground and first floors. The Royal Pavilion dominates as a landmark.
8. The proposed call box would have a footprint of 1.32 x 1.11 metres, with an overall height of 2.45 metres. It would be wholly enclosed on two sides and partially enclosed on a third, allowing for wheelchair access. It would be constructed of reinforced laminated glass panels within a powder coated metal framework.
9. I acknowledge that paragraph 60 of the National Planning Policy Framework (the Framework) states that Local Planning Authorities 'should not attempt to impose architectural styles or particular tastes' and that there is a large scale modern building close by at No 1 Jubilee Road, albeit just outside the Conservation Area. However, paragraph 60 also states that it is proper to reinforce local distinctiveness. Whilst there is a wide range of commercial uses within this city centre location, particularly at ground floor level, these are predominantly within traditional buildings with frontages reflecting that character.
10. Despite the open sided design and use of glazed panels, it would appear as standardised modern structure of bland, utilitarian design that bears little regard to the surrounding historic townscape in which it would be primarily viewed, and would detract from its visual qualities. The call box would not therefore reinforce local distinctiveness and would be contrary to the Council's Streetscape Design Guidelines Supplementary Planning Guidance which seeks to achieve a design that is appropriate to the context and identity of the location.
11. The call box would also be prominently sited well forward of the building line in an exposed and isolated location within the footway. It would also be view in conjunction with the adjacent high quality public realm and surface treatment of New Road. This is a visually busy area of public realm, with external seating, umbrellas and canvas barriers associated with the surrounding public houses and café's, as well as 'A' boards, bollards, public benches, bins, a post box and street signage. An additional call box in this prominent location would in my view unacceptably add to the existing amount of visual and physical clutter and erode the quality of the street scene in this location. For these reasons, I find that the proposal would be harmful to the established character and appearance of the Conservation Area.

12. I appreciate that the Council does not specifically refer to the setting of any listed buildings in its reason for refusal. Nevertheless the Council has highlighted in its statement that the site is located adjacent to several such buildings including The Corn Exchange and Nos 23 and 24 New Road. As I am required to have special regard to the desirability of preserving their setting, I requested their listing entry and location, as these details had not been provided. I offered the appellant opportunity to comment so no party has been prejudiced.
13. No 23 New Road and attached railings are listed Grade II. The property is a former terrace house dating from circa 1815. It now incorporates attractive traditional ground floor shopfront with a two storey segmental bay above and first floor veranda, within a Flemish bond brick elevational treatment. No 24 is also a Grade II listed former terrace house dating from circa 1807, now with traditional shopfront and café use. This four storey building is finished in cobbles with brick dressings. The New Road frontage is a full-height and almost full-width segmental bay, though the later 19th Century shopfront is canted, with central entrance flanked by pilasters with elaborate bracketed stops, modillion cornice, and cast-iron cresting over fascia.
14. At the time of my site visit, the Grade II listed Corn Exchange building was obscured by scaffolding. The listing explains that it is two storeys over basement and that the design is a highly stylised version of the Islamic forms.
15. In approaching views from the east, No 24 sits fully forward of the Church Street building line with its principal elevation in full view. Part of the elevation of No 23 is also visible. This view makes a notable contribution to how No 24 is experienced within the context of the high quality public realm with café's and public houses spilling out into the adjoining spaces. The appeal site therefore lies within their setting and the setting contributes to their significance insofar as it provides the context within which those qualities can be appreciated. The call box would be sited directly in line of this view thereby partially obscuring the buildings and their interaction with the public realm. Similarly, given the proximity to the Corn Exchange, the call box would also partially obscure views of the building from the west. In the case of the three identified listed buildings the call box would appear as a visually intrusive and alien structure that would materially detract from their setting.
16. The appellant has referred to an approval for two kiosks in 1997 at 97 Church Street. However, No 97 falls outside of the Conservation Area and its context, which includes a number of larger scale modern buildings, is materially different to that of the appeal proposal. Moreover, whilst acknowledging the differing design and inclusion of advertisements, these existing telephone kiosks served to confirm the visual harm arising from their siting. As such their existence and historic approvals do not justify the addition harm which would be caused by the appeal proposal, which in any case occupies a more sensitive and conspicuous location and would be visually more intrusive.
17. I have had regard to the appeal decisions¹ referred to in the appellant's statement, as well as the appended decisions, insofar as some of the general issues they raise may be applicable to this appeal. However, these appeals relate to different sites within different local authority areas for which I have limited information regarding the prevailing character. They therefore carry

¹ Appeal References: APP/K5030/A/12/2185860; APP/X5990/A/11/2166164; and APP/U3935/A/13/2204462

limited weight in favour of the appeal proposal, which in any case, I have considered on its own individual merits.

18. I therefore conclude that the siting and appearance of the call box would be harmful to the character and appearance of the Conservation Area and to the setting of nearby listed buildings. This would be contrary to Policies CP12 and CP13 of the Brighton and Hove City Plan Part One and to Policies QD24 and HE6 of the Brighton and Hove Local Plan (LP). These state, amongst other things, that proposals for telecommunications developments will not be permitted where they would have an adverse effect on important areas and their settings, including conservation areas and listed buildings. The policies also seek, amongst other matters, to improve the quality, legibility and accessibility of the city's public urban realm through new development schemes to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by positively contributing to the network of public streets and spaces in the city; conserving or enhancing the setting of the city's built heritage; and reducing the clutter of street furniture and signage.
19. In the context of paragraph 134 of the Framework I would categorise the level of harm to the Conservation Area and setting of the listed buildings as less than substantial. In such circumstances the Framework requires the harm to be weighed against any public benefits associated with the development. In this regard, the Framework indicates that communications infrastructure is essential for sustainable economic growth and also plays a vital role in enhancing the provision of local community facilities and services. Although I recognise that the proposed call box would make a positive contribution to these aims through the provision of a wheelchair accessible payphone service powered using a photovoltaic panel, as well as providing consumer choice and competition, these factors do not outweigh the harm that I have identified above.

Pedestrian users/highway safety

20. Although the application marked on a map the location of the call box there was no block plan showing its exact position. However, I do not dispute the appellant had satisfied the requirements of the GPDO for an application of this nature. In any case, precise siting details have been provided with the appeal.
21. The appellant suggests that the total footway width is 7.4m leaving an unobstructed width of 5.48m. However, this does not correspond with the figures shown in the proposed plan, which are less. The width is further reduced by the outdoor drinking benches of Mush Tun. Moreover, the footway significantly narrows towards the Corn Exchange frontage and the call box would effectively extend the resulting pinch-point further west. Whilst it and the nearby post box would be similarly set back from the edge of the pavement, the narrowing of the pavement in this location means that the post box would be closer to the building frontage than the call box. Therefore, although minimum widths set out in national and local guidance² may be achieved, the call box would create an additional barrier to pedestrian movements and due to the varying alignments would require pedestrians to weave between the resulting pinch-points.

² Inclusive Mobility; Manual for Streets; and Public Place Public Space Study

22. Within a busy central location such as this with a high level of footfall, this would likely lead to congestion and harm to pedestrian flows and potentially necessitate that pedestrians use the road as an alternative. This would be to the detriment of the safety and comfort of footway users, particularly those in wheelchairs, the elderly, infirm, partially sighted and parents with small children and pushchairs.
23. Given the proposed 600mm set back from the edge of the pavement and that the alignment of Church Road projects forward at the northern end of New Road, I consider that there would be sufficient visibility for pedestrians crossing over to Jubilee Street combined with sufficient forward visibility for approaching drivers along Church Street.
24. Nevertheless, for the reasons explained I conclude that the siting of the call box would pose a risk to the safety and comfort of pedestrians using the footway. The proposal would therefore conflict with LP Policy TR7 which allows developments that do not increase the danger to users of adjacent pavements, cycle routes and roads.

Other matters

25. I have noted the appellant's concern regarding a blanket approach by the Council but, as highlighted, the Framework states that local planning authorities should not impose a ban on telecommunications development in certain areas, nor seek to prevent competition between different operators or question the need for telecommunications systems. I have therefore considered the appeal proposal accordingly, within the specific parameters of the GPDO.
26. I note the appellant's comments that the number of telephone kiosks on UK streets has reduced from 90,000 in 2002 to 46,000 in 2016 with BT proposing to remove more. However, this factor does not overcome the above identified harm.
27. I have no evidence to suggest that the call box would be poorly maintained and concerns in this regard have attracted limited weight. I agree that paragraph 43 of the Framework insofar as it relates to radio and telecommunications masts, is not relevant to my consideration of the appeal proposal. I have noted the Council's reference to a Local Government Association article but this does not amount to planning policy or guidance. I have therefore attached little weight to it.

Conclusion

28. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR



Appeal Decision

Site visit made on 5 June 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2018

Appeal Ref: APP/Q1445/W/18/3193450

Pavement outside 186 Western Road, Western Road, Brighton BN1 2BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended).
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd, against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01911, dated 22 March 2017, was refused by notice dated 28 July 2017.
 - The development proposed is a call box.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for a call box that was refused prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) (the GPDO). The principle of this type of development is already established by the Order and it is only the effects of its siting and appearance which are to be considered in this appeal.
3. The Council's reasons for refusal refer to conflict with a number of development plan policies. Whilst I have taken them into account as material considerations, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply as the principle of development is established through the grant of permission by the Order. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. Concern has been expressed by the Council about the potential for the proposed structure to accommodate advertisements. However, the installation of a call box and the display of an advertisement are two separate matters and considerations relating to the latter are not before me. Consequently I have only considered the effects of the call box in the determination of this appeal.

Main Issues

5. The main issues are the effects of the siting and appearance of the call box on:
 - the character and appearance of the area, including the effect on the setting of Regency Square Conservation Area; and
 - pedestrian users and highway safety.

Reasons

Character and appearance

6. The appeal site forms part of the pavement in the retail centre of Brighton. The proposed call box would have a footprint of 1.32 x 1.11 metres, with an overall height of 2.45 metres. It would be wholly enclosed on two sides and partially enclosed on a third, allowing for wheelchair access. It would be constructed of reinforced laminated glass panels within a powder coated metal framework.
7. I acknowledge that paragraph 60 of the National Planning Policy Framework (the Framework) states that Local Planning Authorities 'should not attempt to impose architectural styles or particular tastes'. However, paragraph 60 also states that it is proper to reinforce local distinctiveness. In this case, the character in and around the appeal site reflects its busy, central location, surrounded by commercial buildings of varying size, age and design.
8. Although the call box would appear as standardised modern structure of bland, utilitarian design, taken in isolation it would not appear particularly out of place within a central urban street scene such as this. However, the call box would be prominent within the street scene being sited in an exposed position well forward of the building line. In its vicinity there is already a significant degree of visual and physical clutter, including road signage, cycle stands, bins, bollards, street trees, public benches as well as existing telephone kiosks. An additional call box in this prominent location would in my view unacceptably add to the existing amount of visual and physical clutter, to the detriment of the street scene.
9. The appellant has referred to the existing telephone kiosks in support of the appeal proposal but in my judgement, whilst noting the differing design and inclusion of advertisements, they serve to illustrate their prominence in the public realm and the harm arising from their contribution to street clutter. As such their existence and historic approvals do not serve to justify the additional harm which would be caused by the appeal proposal, which would be no less conspicuous.
10. I have had regard to the appeal decisions¹ referred to in the appellant's statement, as well as the appended decisions, insofar as some of the general issues they raise may be applicable to this appeal. However, these appeals relate to different sites within different local authority areas for which I have limited information regarding the prevailing character. They therefore carry limited weight in favour of the appeal proposal, which in any case, I have considered on its own individual merits.
11. The site also lies opposite but outside of the boundary to the Regency Square Conservation Area. Given the harm I have found to the character and appearance of the area, it follows that the proposal would amount to an additional structure which would detract from the setting of the northern edge of the Conservation Area, which would be clearly seen and experienced in conjunction with the call box.
12. I therefore conclude that the siting and appearance of the call box would cause harm to the character and appearance of the area and to the setting of the

¹ Appeal References: APP/K5030/A/12/2185860; APP/X5990/A/11/2166164; and APP/U3935/A/13/2204462

Regency Square Conservation Area. This would be contrary to Policies CP12 and CP13 of the Brighton and Hove City Plan Part One and to Policies QD24 and HE6 of the Brighton and Hove Local Plan (LP). These state, amongst other things, that proposals for telecommunications developments will not be permitted where they would have an adverse effect on important areas and their settings, including conservation areas. The policies also seek, amongst other matters, to improve the quality, legibility and accessibility of the city's public urban realm through new development schemes to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by positively contributing to the network of public streets and spaces in the city; conserving or enhancing the setting of the city's built heritage; and reducing the clutter of street furniture and signage.

13. In the context of paragraph 134 of the Framework I would categorise the level of harm to the setting of the Conservation Area as less than substantial. In such circumstances the Framework requires the harm to be weighed against any public benefits associated with the development. In this regard, the Framework indicates that communications infrastructure is essential for sustainable economic growth and also plays a vital role in enhancing the provision of local community facilities and services. Although I recognise that the proposed kiosk would make a positive contribution to these aims through the provision of a wheelchair accessible payphone service powered using a photovoltaic panel, as well as providing consumer choice and competition, these factors do not outweigh the harm that I have identified above.

Pedestrian users/highway safety

14. Although the application marked on a map the location of the call box there was no block plan showing its exact position. However, I do not dispute the appellant had satisfied the requirements of the GPDO for an application of this nature. In any case, precise siting details have now been provided which shows that the call box would be positioned 0.6m from the outer edge of the footway.
15. One of the concerns expressed by the Council is that the site is close to Churchill Square, Brighton's busiest shopping area, and hub for the majority of bus routes through the city and that many bus routes enter Western Road from Regent Hill, from which the visibility of oncoming traffic would be impeded by the addition of a call box. In consideration of this, I appreciate that the call box would be largely glazed. Nevertheless, given the angles involved and the supporting framework as well as its proximity to the Regent Hill junction, I agree that it is likely that sightlines would be partially obscured for emerging drivers looking to the right on exit onto oncoming traffic. This would be harmful to highway safety.
16. It was evident from my site visit that the appeal site is located within an area which experiences a very high level of pedestrian traffic. The minimum widths set out in national and local guidance² would not therefore be appropriate in this location. Nevertheless, the proposal would be in alignment with an existing street tree and existing road signage. Further along the road there are also a number of public benches and cycle stands positioned at right angles to the road towards the outer edge of the pavement. These fixtures therefore already obstruct pedestrian movements and largely channel them along the

² Inclusive Mobility; Manual for Streets; and Public Place Public Space Study

inner section of the footway. Whilst the call box would add to the amount of obstructions along this alignment, it would not obstruct any existing desire line. Moreover, 4.45m of unobstructed footway would remain between the call box and the edge of the shop fronts. I appreciate that the appellant has not provided a pedestrian survey but equally the Council has not provided evidence to demonstrate that 4.45m would be insufficient in this location. Consequently, I do not consider that the proposal would impede pedestrian flow or necessitate that pedestrians use the road as an alternative.

17. Due to its position at the edge of a relatively wide pavement and close to the junction with Regent Hill, I do not envisage that the call box would materially hinder access by the emergency services or the Highway Authority.
18. Nevertheless, for the reasons explained I conclude that the siting of the call box would pose a risk to highway safety. The proposal would therefore conflict with LP Policy TR7 which allows developments that do not increase the danger to users of adjacent pavements, cycle routes and roads.

Other matters

19. I have noted the appellant's concern regarding a blanket approach by the Council but, as highlighted, the Framework states that local planning authorities should not impose a ban on telecommunications development in certain areas, nor seek to prevent competition between different operators or question the need for telecommunications systems. I have therefore considered the appeal proposal accordingly, within the specific parameters of the GPDO.
20. I also note the appellant's comments that the number of telephone kiosks on UK streets has reduced from 90,000 in 2002 to 46,000 in 2016 with BT proposing to remove more. However, this factor does not overcome the above identified harm.
21. I have no evidence to suggest that the call box would be poorly maintained and concerns in this regard have attracted limited weight.
22. I agree that paragraph 43 of the Framework insofar as it relates to radio and telecommunications masts, is not relevant to my consideration of the appeal proposal.
23. I have noted the Council's reference to a Local Government Association article but this does not amount to planning policy or guidance. I have therefore attached little weight to it.

Conclusion

24. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR



Appeal Decision

Site visit made on 17 April 2018

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 6th June 2018

Appeal Ref: APP/Q1445/W/17/3191022

29 Southampton Street, Brighton, East Sussex BN2 9UT

- 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 P Conrad against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00749, dated 2 March 2017, was refused by notice dated 21 September 2017.
 - The development proposed is change of use from 4 bedroom single dwelling (C3) to a 5 bedroom small house in multiple occupation (C4).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. As it is clearer, I have followed the description of development given by the Council in its decision.

Main Issues

3. The main issues are:-
 - whether the development would be appropriate in respect of development plan policies relating to residential balance in the area; and
 - the effect of the development on the living conditions of future occupiers with respect to living space, outlook and light.

Reasons

Residential Balance

4. The appeal building is a house of two storeys plus basement, located within a predominantly residential area consisting of terraces of similar buildings. The appeal proposal for its conversion from a four bedroom, single dwelling to a C4 Small House in Multiple Occupation (HMO) with five bedrooms. The physical alterations to accommodate this change have already been carried out.
 5. Policy CP21 of the Brighton and Hove City Plan Part One 2016 (the CP) seeks to support balanced communities and ensure that a range of housing needs are accommodated throughout the city by restricting changes of use of dwellings to C4 use where more than 10% of dwellings within a 50 metre radius of the site are already in use for C4 or any other kind of HMO use. The Council has
-

indicated that there are already 15.79% of such properties within the relevant area for the appeal site.

6. The development would therefore fail to comply with this policy. By failing to support a mixed and balanced community, the development would also conflict with policy QD27 of the Brighton and Hove Local Plan 2005 (the LP), which seeks to restrict development which would cause material nuisance to existing residents or occupiers.

Living Conditions

7. The bedroom provided at basement level would receive light and outlook from a small section of the window, which faces on to a narrow light well. Although at the time of my inspection of the property, due to the south-east facing orientation of the window, the light levels to the room were relatively good, the outlook from that window was limited to the inner face of the lightwell at close quarters, and was therefore very poor.
8. The conversion would create a small kitchen space in the rear extension, which would be sufficiently large for one or two people to use at one time for food preparation, but has nowhere to sit to eat. As there would be at least five occupants of the HMO, this would be insufficient.
9. A small communal living space would also be provided, which has doors in three of its walls and a fireplace in the fourth, thus restricting possibilities for furniture. While I noted a small sofa and armchair had been placed in this room, it was also clear that to achieve this required some of the doors to be propped open. As a result, I conclude that this area would not provide adequate, useable communal floorspace for future occupiers, largely restricting them to their rooms, which, while reasonably sized, would provide a confined environment for day to day living.
10. While the premises may have been given a licence by the licensing authority department of the Council, this is a separate regulatory system, and does not alter my conclusion that in planning terms the basement level bedroom and communal areas would provide a poor standard of accommodation, which would be harmful to the living conditions of future occupiers.
11. The development would therefore conflict with policy QD27 of the LP, which seeks to restrict development which would cause material loss of amenity to the proposed occupiers.

Conclusion

12. While the appellant has pointed out the numbers of homeless people sleeping in the City and the need for the kind of accommodation the development would provide, the starting point for decision making must be the development plan. No material considerations have been put to me which would convincingly outweigh the harm and resulting conflict with the development plan which I have identified, and I therefore conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR



Appeal Decision

Site visit made on 9 May 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 June 2018

Appeal Ref: **APP/Q1445/W/18/3194945** **9 Coronation Street, Brighton BN2 3AQ**

- 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 Andrew Marchant against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02666, dated 4 August 2017, was refused by notice dated 29 December 2017.
 - The development proposed is the change of use of a C3 dwellinghouse to a Sui Generis large house in multiple occupation.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that led to this appeal was retrospective in nature- with the application form indicating that the disputed use commenced on 1 October 2012. At my site visit, I saw that the use as applied for is ongoing.
3. One of the reasons for refusal given on the Decision Notice relates to the dormer extension at the appeal property. The lawfulness or otherwise of this structure is a matter of dispute between the parties and I note references to an application for a lawful development certificate in relation to the dormer.
4. I have taken into account the Council's view that the material development entailed in the installation of the dormer is an integral element of the change of use. Nevertheless I have assessed the appeal on the basis of the material submitted with the application and the description of development given on the application form, which is reproduced in the banner heading above. Consequently, I consider that matters relating to the character and appearance of the dormer are not relevant to a consideration of the appeal scheme as applied for, and will not consider them further. In arriving at this view I am mindful of the court judgements¹ cited by the Council, and the recent appeal decisions², copies of which were supplied by the Council and appellant.

¹ *Murfitt v Secretary of State for the Environment & East Cambridgeshire District Council* [1980] JPL 598

Somak Travel Ltd v Secretary of State for the Environment & Brent LBC [1987] JPL 630

Kestrel Hydro v Secretary of State for Communities and Local Government & Spelthorne Borough Council [2016] EWCA Civ 784

² APP/Q1445/C/17/3174393 and APP/Q1445/W/17/3183901; APP/Q1445/W/17/3183594;

APP/Q1445/W/17/3184207; APP/Q1445/W/17/3166975; APP/Q1445/W/17/3180711; APP/Q1445/W/17/3184922

Main Issues

5. I consider the main issues in this case to be firstly, the effect of the appeal development on the amenity of its current and future occupants in terms of its provision of internal space; and secondly, its effects on the living conditions of the occupants of adjacent dwellings in terms of noise and disturbance.

Reasons

Internal Space

6. The appeal development as described above has entailed the conversion of a mid-terraced dwelling to supply a 7 bedroom house in multiple occupation (HMO) over four levels including the basement, ground floor, first floor and loft. Bathrooms are included on the ground and first floors. Communal space is located at the basement level with an area marked as a "kitchen/dining room" on the submitted plan to the rear and a room annotated as a "lounge" sandwiched between this and the bedroom at the front of the property. I saw that in addition to equipment within the kitchen that a small structure in the appeal property's back garden included laundry facilities and an additional fridge.
7. At my site visit, I saw that the bedroom to the rear of the roof space was small (the appellant estimates that it supplies a floor space of just over 6.5 SqM), with very little space around the bed for circulation or any other meaningful use of the room besides sleeping. Whilst I saw built in wardrobe space and shelves set within the line of the original roof to the side of the dormer, access to these was restricted to a considerable degree by the close proximity of the bed, limiting the convenience of their use. Whilst I note the measurement of floorspace (just over 7 SqM) supplied by the appellant for the front bedroom contained within the roof, a considerable proportion of this is of limited headroom due to the slope of the roof, and as a consequence this limits the practical utility of the space. I am mindful of the appellant's comment that current occupants have chosen to include double beds in these bedrooms; nevertheless, due to the constrained size of the rear bedroom, and limited headroom of the front bedroom, the use of a single bed in either would do little to address the cramped nature of the accommodation they supply.
8. I note references in the appellant's statement to the appeal building's location close to the city's universities, and that in their view this would make it an appropriate location for shared accommodation, and comments regarding the ability of the property to accommodate up to seven students. I am also mindful that the property is managed by a student letting agent.
9. Taking these matters together, I consider that it is highly likely that occupants of the appeal property would be students- and would consequently need space to conduct private and quiet study- which the rear bedroom in failing to supply sufficient space to accommodate a reasonably sized desk and related materials, would clearly fail to do. Furthermore, the lounge, due to the level of occupancy of the appeal property coupled with its adjacency to the kitchen dining room would be an area of considerable activity unsuited to the pursuit of quiet study. As a result, the appeal development fails to meet the day-to-day needs of the occupants of the rear roof level bedroom in these regards.

10. Moreover, the limited space provided in the roof level bedrooms would create pressure to use the communal space provided within the property from the occupant of those rooms, for most day-to-day domestic activities. To my mind this is a clear material difference between the appeal development and the proposal subject to an appeal decision³ relating to an 8 bedroom HMO elsewhere in Brighton, a copy of which was supplied to me by the appellant, wherein the Inspector found that the nature of HMOs means that their occupiers tend to spend time in their own rooms- which for the reasons given above, would be impractical in relation to the roof level bedrooms in this case.
11. This increases the likelihood of a more intensive use of the lounge, which due to its adjacency to the kitchen, is likely to be a space that has a considerable amount of footfall from the door way in its top left hand corner adjacent to the entrance hall, to the doorway in its bottom right hand corner giving access to the kitchen/dining room. Whilst I am mindful that circulation space is a feature of most rooms, the amount of movement through the lounge coupled with its likely flow due to the positioning of the doorways would serve to limit both its practical utility and its attractiveness as a place for recreation or other household activities. These considerations add materially to my overriding concerns in respect of the inadequacy of the appeal scheme's roof level bedrooms.
12. Whilst I have taken into account the findings of my fellow Inspector⁴ in relation to the adequacy of a smaller communal space provided in association with an 8 bedroom HMO elsewhere in Brighton, I have not been supplied with full details regarding the bedroom sizes supplied within that property. Consequently, this limits any meaningful comparative assessment of the two schemes. Similarly limited information was supplied to me in relation to a planning permission⁵ for an HMO granted by the Council, which provided a similar amount of communal space to that of the appeal scheme and also accommodated 7 occupants. These decisions do not therefore add any material weight in the appeal development's favour in the overall planning balance.
13. Whilst I note that the garden area provides additional amenity space, I consider that its use would be impractical for several months of the year due to limited hours of daylight and lower temperatures experienced at those times. Consequently, its presence does not alter my conclusions in respect of the adequacy of the internal space. I note also that there are no minimal standards relating to communal space set out in the development plan, and that the arrangement of furniture could change at any time- nevertheless these matters do not weigh in favour of the appeal development to any material degree.
14. Due to the length of time over an academic year when students are likely to be in residence, I can find no evidential basis to the assertion by the appellant that the residential requirements of student sharers are not directly comparable to those of permanent or long-term residents, aside from the strong likelihood that students would require adequate study space. Consequently, the nature of the appeal property's tenants does not justify a lower standard of amenity in this case than would otherwise be required.

³ APP/Q1445/A/14/2214317

⁴ APP/Q1445/W/15/3006221

⁵ BH2017/00319

15. I note the appellant's references to the "very high demand" for student and shared accommodation in the area. Due to this level of demand, I do not share the appellant's view that prospective occupants would necessarily be able to find other properties which better suited their requirements. I note the appellant's assertion that groups of friends occupy the property and negotiate who gets which room- this may be the case, however, it does not indicate that the roof level bedrooms provide an adequate amount, or convenient layout of space- or justify development that would cause the harmful amenity effects that I have described.
16. I readily accept that the appeal development has met the Council's standards in respect of licensing. Nevertheless, the Core Planning Principles set out in the National Planning Policy Framework (the Framework) include amongst other things that "planning should always seek to secure... a good standard of amenity for all existing and future occupants of land and buildings". This consideration, to which I attach very considerable weight, requires a level of amenity in excess of the bare minimum which the licensing standards seek to secure, and which for the reasons set out above, the appeal development clearly fails to provide. Consequently, the appeal development's compliance with the licensing standards does not justify its harmful amenity effects.
17. Accordingly, on this basis, I conclude on this main issue that the appeal development supplies an inadequate level of amenity for its current and future occupants in planning terms and therefore does not comply with Policy QD27 of the Brighton and Hove Local Plan (adopted July 2005) (the Local Plan), insofar as it seeks to ensure that the amenity of the future occupants of developments is protected.
18. Although I am aware of the Council's references to the Government's *Technical housing standards- nationally described space standard* (March 2015) (the Space Standard), I am cognisant that the Written Ministerial Statement of March 2015 (the WMS) contains the relevant national planning policy relating to this document. The WMS clearly sets out that the Space Standard should only be required through new local plan policies where they address a clearly evidenced need. In the current case, the Space Standard has not been incorporated into the Council's Local Plan, and accordingly its requirements have not therefore formed a basis for my assessment of the appeal development. In reaching this view I am mindful of the appeal decisions supplied to me by the appellant relating to sites in Brighton⁶ and Sutton Coldfield⁷.

Living Conditions- Occupants of Adjacent Dwellings

19. The appeal property was previously occupied by a large family household of nine people, and due to the size of the property I consider that it could accommodate larger families. Consequently, whilst the appeal development has changed the type of occupancy from that of a single household to unrelated individuals, the overall occupancy of the property appears to have reduced, as a result of that use. Given the overall scale of the property and its consequent ability to accommodate a number of occupants, I consider that it has not been demonstrated that the appeal development has led to a material increase in comings and goings, or intensified noise and disturbance to a

⁶ APP/Q1445/W/17/3173703

⁷ APP/Q1445/W/17/3183804

degree that is likely to cause any harm to the living conditions of the occupants of adjacent dwellings. In arriving at this view, I am mindful that the use, although unauthorised, has been ongoing since 2012- and until the appellant made the application that led to this appeal that enforcement action does not appear to have been progressed in relation to it. I concur with the appellant that this helps to demonstrate that the use has led to no significant harm in these respects whilst it has been in place.

20. These considerations, taken together, lead me to the view that the appeal development has not caused a level of noise and disturbance sufficient to cause harm to the living conditions of the occupants of adjacent properties. In this respect it does not conflict with Policy QD27 of the Local Plan insofar as it seeks to protect the amenity of the occupants of adjacent properties.

Other Matters

21. The appellant has drawn my attention to Policy HO14 of the Local Plan insofar as it seeks to restrict the grant of permission for proposals that would involve the change of use of "non self-contained" accommodation such as HMOs. However, the relevance of this policy to the current case, which seeks the change of use to that of a HMO, has not been established.
22. I note that the supporting text of Policy HO14 attests to the ongoing need for HMOs in the city and the appellant's views on the very high demand for such properties in the area. The appeal development helps to meet this demand, and to some extent this is a social benefit; however, due to the level of amenity it provides this weighs in its favour to only a modest degree.
23. I am conscious that common ground exists between the Council and appellant that there would be no impediment to the subdivision of the appeal property in terms of its location, or the agglomeration of similar uses in the area, under terms of Policy CP21 of the Brighton and Hove City Plan- Part One (adopted March 2016). Nevertheless the lack of policy conflict in these terms is a matter which has only a neutral effect on the overall planning balance.
24. The appellant considers that the appeal development has supported the 'student economy' in its surroundings- however, no substantive evidence has been supplied to demonstrate the extent of such a benefit. In any event, the limited extent of both the development and its likely concomitant economic effects in this regard mean that this matter only attracts limited weight.
25. The appellant considers that the change of use of the appeal property has not resulted in any harm to the character of its surroundings, and I note that the building is not listed or within a conservation area. However, this merely attests to an absence of harm in these regards rather than a positive benefit of the scheme and accordingly has a neutral effect on the overall planning balance.
26. I note references to enforcement action in respect of the appeal property- however, this matter is not determinative in my assessment of the planning merits of the appeal.

Conclusion

27. The appeal development has not caused harmful effects to the living conditions of the occupants of adjacent dwellings- however, this lack of harm has only a

neutral effect on the overall planning balance. It would cause clear and considerable harm to the amenities of its occupants as a result of its inadequate supply of internal space- and the weight of this harm outweighs the modest and limited benefits that have been advanced in its favour.

28. Consequently, no material considerations have been established in this case that would justify a decision other than in accordance with the development plan, with which, in terms of the above-cited policy the appeal development conflicts. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR



Appeal Decision

Site visit made on 6 June 2018

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 June 2018

Appeal Ref: APP/Q1445/Z/17/3183575

Marlborough House, 54 Old Steine, Brighton BN1 1NH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Infinity Outdoor Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01692, dated 18 May 2017, was refused by notice dated 13 July 2017.
 - The advertisement proposed is the display of an externally illuminated mesh scaffold shroud.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application sought to retrospectively extend a previous temporary permission, which expired on 1 June 2017 (LPA Ref BH2016/01201), on the basis that remedial building works were delayed and did not commence until April 2017. The application form and grounds of appeal both make clear that the scaffolding and proposed advert are only necessary for the duration of the building works.
3. At my visit I was able to verify that the scaffolding has now been removed. I was also able to briefly inspect the interior of the building. This has enabled me to confirm that there are currently no building works being undertaken to the property, either internally or externally.

Main Issue

4. In the light of this the main issue is whether there is any necessity for the mesh scaffold shroud.

Reasons

5. The application form stated that the remedial works would be completed by the end of April 2018 and it appears that they have been because the scaffolding has been entirely removed and no work is currently taking place either internally or externally.
6. The appellant argues that the proposed advert would be better in appearance than the bare scaffold or scaffold shrouded in white sheeting. But since there is no scaffold there is no need for a scaffold shroud and no means by which such an advert could be affixed in the manner described in the application.

7. The appellant has stated that moneys raised from the advert would be used to fund the refurbishment works. Since these works have been completed and the scaffolding removed I assume that is what has occurred here.
8. Given the above circumstances there is clearly no current need for the proposed advertisement, albeit that the interior of the building is currently unfinished and it is vacant. I am not aware of any extant planning or listed building consent for additional development/works to the exterior of this Grade I listed building. Consequently there is no reason to display the proposed advert and the appeal is dismissed.

Nick Fagan

INSPECTOR



Appeal Decision

Site visit made on 6 June 2018

by **Nick Fagan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 June 2018

Appeal Ref: APP/Q1445/Y/17/3189986

Marlborough House, 54 Old Steine, Brighton BH1 1NH

- 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 Mr David Squair against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01990, dated 12 June 2017, was refused by notice dated 25 August 2017.
 - The works proposed are the repainting of the east elevation and window frames.
-

Decision

1. The appeal is allowed and listed building consent is granted for the repainting of the east elevation and window frames at Marlborough House, 54 Old Steine, Brighton BH1 1NH in accordance with the terms of the application Ref BH2017/01990 dated 12 June 2017 and the plans submitted with it subject to the following condition:
 - 1) The windows and window frames shall be finished with a top coat or coats of white paint only, to be completed within four calendar months of the date of this consent.

Procedural Matters

2. The works are retrospective. According to the application form they were carried out between 13 March and 7 April 2017. Hence the effect of the painted front elevation on the building's appearance and on that of neighbouring listed buildings and the wider area is clear to see.
3. The property is a Grade I listed building (LB) located in the heart of Brighton close to the Royal Pavilion, within the Valley Gardens Conservation Area (CA), adjoining the Old Town CA and next to other listed buildings.
4. I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and likewise the settings of adjacent LBs. I am also charged with paying special attention to the desirability of preserving or enhancing the character or appearance of the CA.¹

Main Issue

5. Consequently the main issue is the effect of the works on the special interest of the Grade I LB and on the character and appearance of the CA.

¹ S16(2) & 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

Reasons

6. Marlborough House is one of the most architecturally and historically significant buildings in Brighton and Hove, being described in the Pevsner Guide as "*the finest late c18 house, or rather villa, in Brighton*". It was built c1765 by Samuel Shergold, proprietor of the Castle Inn, to let to rich visitors and then owned by the third Duke of Marlborough. But its present appearance follows its sale by the Duke in 1786 to William Hamilton MP, who commissioned its enlargement and neo-classical remodelling by Robert Adam. It was listed in 1952.
7. The building's external elevations were originally finished in 'oil cement' or Liardet's cement, named after its inventor. This was stone coloured stucco probably consisting of linseed oil, turpentine, sand and possibly crushed limestone, and white or other lead as a drier. The Adam brothers acquired the right to Liardet's patent in 1774 and in 1776 acquired by an Act of Parliament the exclusive right to make and sell it for 18 years, until 1794. It was first used by them on the south face of Kenwood House, Hampstead, in 1767.
8. I have given careful consideration to the various representations and accompanying specialist reports² relating to the stucco on the external elevations of the building. Planning permission and listed building consent was granted in 2002³ for various refurbishment works to the front elevation of the building including "...repainting new stucco and windows...". But identical conditions on these approvals reserved the "*Details of the colour, texture and finishes to the external joinery, masonry and ironwork...*" for Council approval prior to commencement of work and specified that such works should be implemented in strict accordance with the agreed details.
9. The Council states that it was subsequently agreed to reinstate a fibrecem artificial stone finish, which would be similar to the original Liardet's artificial stone, and to leave it unpainted. It is not disputed that this was done in 2002.
10. Be that as it may the Miele Report (page 17) acknowledges that Liardet's patent stone often failed and proved unreliable as a finish, as it did most famously at Kenwood House. This explains why, as documented in detail in the Ingram Report (especially page 5), it was largely replaced on Marlborough House in the first quarter of the c19 with Roman cement stucco, which covered the majority of the façade in 2001 when that Report was written.
11. The Ingram Report (page 3) states: "*As the coloured lime finish on the Roman cement stucco weathered, a maintenance regime of painting was adopted; the paint analysis indicates re-painting approximately every five years.*" It also states (page 7): "*The paint investigation...shows that the building has been painted at least 40 times, although the first seven paint schemes occur on the early oil mastic stucco only and the Roman cement is covered in some 33 layers only, applied in years subsequent to the original*

² Marlborough House, Brighton: Site Investigation of Stucco and Paint with Recommendations on Repair and Conservation, Ingram Consultancy for Eurolink Group PLC, May 2001 (the Ingram Report) & Marlborough House, 54 Old Steine, Brighton: A Preliminary Analysis of the Building History and Fabric with a Brief for Fuller Building Analysis and Recording, Chris Miele, English Heritage Historical Analysis & Research Team Reports and Papers (First Series, 33), 1997 (the Miele Report)

-Both reports submitted as appendices to the appellant's final comments

³ BH2002/01243/FP & BH2002/01245/LB respectively

construction.” It goes on to state that no evidence was found for the use of any paint colours other than white and shades of stone/buff.

12. I acknowledge that the Council’s desire, in agreeing the replacing of the three types of stucco present in 2001(oil mastic, Roman cement and repair stucco) with the fibrecem finish in 2002, was to leave it unpainted. But it is clear from the above history in the Ingram Report, which is undisputed by the Council or any of the internal and external consultees including Historic England, that the Liardet’s oil mastic stucco was itself painted even before it was largely replaced by the Roman cement stucco in the early c19, which itself was subject to regular painting.
13. This indicates to me that, contrary to what the Council, Historic England, the Regency Society and the Brighton Conservation Advisory Group state should happen, there is no historical precedent for maintaining this facade of the building unpainted. Although the original Liardet’s artificial stone finish may originally have been unpainted there is clear evidence that it was painted at least seven times and that it was largely replaced with Roman cement that was also painted multiple times.
14. It is acknowledged that the type of paint used will not damage the fabric of the building. I was also able to see for myself the numerous buildings within both CAs in the vicinity of the site, both those documented in Appendix 1 of the appellant’s appeal statement and others, which are painted white or off-white. As such I agree with the appellant that no harm is caused to either the Valley Gardens CA or the Old Town CA. The two adjoining Grade II LBs, whilst of a later age than Marlborough House, are also painted white or off-white and the painting of this façade of the appeal building does nothing to harm their settings.
15. It is clear, both from the listing description and the Miele Report (page 2 of the Summary in particular) that the principal significance of Marlborough House lies in its intrinsic design merit, its principal elevation and its dining room, hall, small study or library being outstanding examples of Adam’s work; the ensemble as an eloquent witness to Adam’s ability to solve a complex architectural problem with a limited budget; and its importance as the most distinguished piece of architecture in the late Georgian period of Brighton as a resort. The painting of the main façade does not affect that significance, particularly having regard to the fact that it was painted for the vast majority of its life.
16. I appreciate that the Council has issued a listed building enforcement notice that requires the removal of all the paint from the external render. But for the above reasons I consider that compliance with such a notice is unnecessary because the painting scheme does not affect the special interest or significance of Marlborough House as a Grade I LB, and it preserves the character and appearance of the CA.
17. The appellant has confirmed in his Final Comments that the grey paint to the windows and window frames is merely an undercoat and that he intends to use a white top coat. This needs to be conditioned accordingly. The Council has not suggested any other conditions and I do not see the need for any, given that the proposal is retrospective.

18. Compliance with development plan policies is not a statutory requirement for listed building applications but such policies are relevant considerations to be taken into account. Policy CP15 of the Brighton and Hove City Plan Part 1 and Policies HE1, HE4 and HE6 of the Brighton and Hove Local Plan together require the city's historic environment, including LBs and CAs, to be conserved and enhanced as appropriate in accordance with relevant policy in the National Planning Policy Framework. For the above reasons the proposal would do so and therefore it would comply with these Policies.

19. For the reasons given above I conclude that the appeal should succeed.

Nick Fagan

INSPECTOR



Appeal Decision

Site visit made on 17 April 2018

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 6th June 2018

Appeal Ref: APP/Q1445/W/17/3190512

Bathurst, 2 Clarence Square, Brighton BN1 2ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by A Abrahams and Mr & Mrs Teheri-Kadkhoda against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02290, dated 3 August 2017, was refused by notice dated 28 September 2017.
 - The development proposed is replacement of existing timber windows with new UPVC windows to match.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve the character and appearance of the Regency Square Conservation Area, and the effect on its significance.

Reasons

3. Bathurst is a terraced Regency townhouse sitting on a garden square and within the Regency Square Conservation Area, a designated heritage asset. This part of the conservation area is characterised by similar terraced townhouses arising from the planned development of the area and relying for their design effect on the regular repetition of elements such as the canted bays and on their consistent fenestration pattern. Timber sliding sash windows were thus an important element of the original detailing, and most windows within the square, including newer replacements, are in timber.
 4. The existing windows to Bathurst are timber and set in the canted bay, consisting of two over two panes in the central windows and one over one design to the flanking windows, all with small horns on the bottom rail of the upper sash. The glazing bars have slim mouldings internally and are puttied on the outside, while there is subtle detailing in the small mouldings at the top of the angles of the bays.
 5. The submitted evidence is not clear in respect of whether the opening mechanism of the replacement windows would be tilting or sliding sashes. Notwithstanding this, it is clear that they would be in UPVC, with square glazing bars and double glazing separated by metal spacers.
-

6. They would therefore not be able to replicate the finer and more subtle detailing of the mouldings of the existing windows, while the proposed materials would be conspicuously shiny and modern. Overall they would not be able to reflect the appearance of the existing windows, and would thus form an anomalous element within the host building which would fail to retain the consistent appearance of the terrace. They would therefore fail to preserve or enhance the character and appearance of the conservation area and would harm its significance.
7. Paragraph 132 of the Framework is clear 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. I conclude that, as the proposed windows would be a localised discordant feature, for the purposes of this paragraph the harm would be less than substantial.
8. In these circumstances, Paragraph 134 of the Framework advises us, this less than substantial harm should be weighed against the public benefits of the proposal.
9. The appellant has suggested that the windows are rotten, but although they appear in need of overhauling, no convincing evidence has been put before me that their complete replacement is necessary. While energy savings can be achieved with double glazing, they may be equally possible to achieve with measures such as secondary glazing, window repairs and draft proofing; no evidence has been supplied to demonstrate that this would not be possible in this case. In any event, replacement for these reasons would give rise to mainly private benefits, which would not outweigh the harm to public interests arising from the harm to the significance of the designated heritage asset.
10. Other appeals have been put before me, but they relate to different conservation areas and differing circumstances, including the existing extent of uPVC windows within the relevant conservation areas, and are not therefore directly comparable to the current case where there is a high degree of consistency in the use of timber windows. In any case, I have considered the appeal proposal on its own merits.
11. The development would conflict with the provisions of policy HE6 of the Brighton and Hove Local Plan 2006 and policy CP15 of the Brighton and Hove City Plan Part One 2015 in respect of seeking to preserve and enhance the character and appearance of conservation areas. It would also conflict with design guidance within SPD 09, Architectural Features, 2009, and of SPD12 Design Guide for Extensions and Alterations, 2013 in relation to the retention and replacement of historic windows.

Conclusion

12. For the reasons given above, therefore, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR



Appeal Decision

Site visit made on 9 May 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 June 2018

Appeal Ref: **APP/Q1445/D/18/3196655** **31 Upper Gardner Street, Brighton BN1 4AN**

- 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 Thomas Hughes against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/03039, dated 7 September 2017, was refused by notice dated 16 January 2018.
 - The development proposed is described as the "Replacement of existing asphalt flat roof and the addition of decking above the kitchen and bathroom at the back of the property. Obscured railings will be added around the edge of the flat roof and a narrow staircase built to allow access from a small backyard. There are already three existing roof terraces in the area that overlook the back to back gardens. This addition would increase outdoor space for the property threefold as well as increasing green space in the North Laine and encouraging bird life."
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are firstly, the effects of the proposed development on the living conditions of the occupants of 30 and 32 Upper Gardner Street, and 28 and 29 Queen's Gardens in terms of privacy, noise and disturbance; and secondly, whether the proposed development would preserve or enhance the character or appearance of the North Laine Conservation Area.

Reasons

Site, surroundings and proposed development

3. This appeal relates to a two-storey mid-terraced property located in the North Laine Conservation Area, close to the centre of Brighton a locale with a mixture of residential and commercial uses. The building line and pattern of structural openings of the front of the appeal property and its host terrace create a strong sense of rhythm and enclosure in these public facing aspects. The Conservation Area's significance resides, to some degree, in its consistency of facing materials, the scale of its buildings and the resultant intimate streetscene of thoroughfares such as Upper Gardner Street.
4. To the rear of Upper Gardner Street, incremental development is commonplace including single-storey extensions infilling much of some of the rear gardens, such as the one at the appeal property. Long, single-storey structures are also

present between the rear gardens of Upper Gardner Street, and those of Queen's Gardens. Taken together with alterations at upper levels inter-visible with the appeal property, including roof lights, Juliet balconies and roof terraces, these incremental developments impart a congested and haphazard character to the rear aspects, which are a stark contrast to the order and architectural integrity of the fronts.

5. The appeal scheme as described above, seeks to install railings and decking on the flat roof of the existing single-storey element to No 31's rear. A staircase would be constructed in the yard to access the flat roof. These measures would facilitate its use as a roof terrace.

Living Conditions

6. The flat roof at the appeal property, due to its width, has a close relationship to upper floor rooms and their windows in 30 and 32 Upper Gardner Street. In allowing and encouraging the use of the flat roof as amenity space, the proposed development would due to its depth from the rear elevation, allow a degree of overlooking to these adjacent first floor windows that would materially deplete the privacy available, and reasonably expected, in those rooms. Furthermore due to the size of the roof, and its potential to accommodate a number of people, the appeal scheme would be likely to bring the sounds normally experienced at ground level much closer to these first floor rooms- the disturbance caused as a result, would add to its overall harm to the amenity of the occupants of the adjoining properties. Consequently, I consider that the proposed development would clearly cause harm to the living conditions of the occupants of Nos 30 and 32 in these respects.
7. Moreover, the use of the flat roof would allow direct and penetrative views into the facing first-floor habitable room windows of 28 and 29 Queens Gardens, which are not obscured by intervening structures. As the level of the flat roof is above that of the floor of No 31's bedroom to which it is adjacent, the proposed terrace's views into these facing rooms would be materially more direct than the views available from that bedroom's windows. The terrace would, as a consequence, materially reduce the privacy of the occupants of Nos 28 and 29 and this would cause harm to their living conditions. Implementation of the railings and border planting would not overcome the harmful effects of the proposed use in these respects.
8. Whilst I saw the other roof terraces referred to me by the appellant during my visit, these were in a perpendicular relationship to the rear of the terraces, and at a higher level than the flat roof of the appeal property. Consequently, whilst they do cause some overlooking of gardens, they do not have the directness of view into, or intimate relationship with, adjacent habitable room windows at first floor that a roof terrace at the appeal property would result in. Whereas I saw Juliet balconies in the area, these do not provide the amount of space that is available on the flat roof of the appeal property, and therefore do not facilitate an intensity of use, or a depth of views into surrounding windows equivalent to those that would arise from the appeal proposal. Consequently, these other developments do not provide precedents for the appeal scheme due to the materially more harmful effects it would cause.
9. I note the appellant's comments that the appeal property's flat roof is already used as amenity space. However, the proposed development would formalise

and facilitate this arrangement and this would be likely to exacerbate its use, and would as a consequence intensify the effects that I have described.

10. For these reasons, I conclude on this main issue that the proposed development would cause clear and considerable harm to the living conditions of the occupants of 30 and 32 Upper Gardener Street and 28 and 29 Queen's Gardens. As a result, the proposed development would conflict with Policies QD27 and QD14 of Brighton and Hove's Local Plan (adopted July 2005) (the Local Plan). Taken together, and amongst other matters, these policies seek to ensure that alterations to existing buildings do not result in a loss of amenity including as a result of significant noise, disturbance or loss of privacy.

The Conservation Area

11. The proposed development would result in very limited additions to the appeal building, and I saw elsewhere within its immediate surroundings that similar materials and treatments had been employed within roof terraces. Moreover, the character of the rear of the terrace is one of incremental development and accretions to its constituent buildings within which the appeal proposal would not look out of place. Consequently, mindful of the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude on this main issue that the proposed development would preserve the character and appearance of the Conservation Area. For these reasons too, I detect no harm to the Conservation Area's significance, and find no conflict with Policies HE6 and QD14 of the Local Plan, or the National Planning Policy Framework insofar as they seek, amongst other matters, to ensure that alterations to existing buildings use building materials and finishes sympathetic to the area and avoid harmful impacts to the townscape, and that heritage assets are conserved in a manner appropriate to their significance.

Other Matters

12. The appeal scheme would increase the amount of amenity space at the property, and allow additional space for planting. This would have benefits for the occupants of the appeal property, and through the potential to encourage bird life, the biodiversity of the area. This latter aspect would attract some support from the environmental sustainability policies of the development plan. Nevertheless, due to the modest space achieved in wildlife terms, and the essentially private nature of the benefit of the expanded amount of amenity space, these matters only weigh modestly in favour of the appeal scheme.
13. I note that the flat roof is already used from time-to-time as informal amenity space, and that the proposed development would improve its safety in supplying railings and improved access via a stairway, and through making structural improvements to the roof. Be that as it may, in the light of my conclusions on the harmful effects of the more formal use that the appeal scheme would facilitate, I consider that these matters add little weight in the appeal scheme's favour.
14. The proposed development would entail the replacement of the flat roof, and this would include enhanced insulation. Whilst this would help to meet the Council's objectives in relation to environmental efficiency, it has not been demonstrated that these measures are dependent on the aspects of the proposal that would facilitate its use as amenity space. Consequently, this

aspect of the scheme weighs in favour of the proposed development to only the most minimal degree.

15. I note the appellant's references to a lack of objections from the occupants of some adjacent properties. However, this does not establish that the development would avoid harmful effects. Consequently, this consideration carries no weight in favour of the appeal scheme.

Planning Balance and Conclusion

16. I have found that the proposed development would preserve the character and appearance of the Conservation Area. However, this is merely indicative of an absence of harm in these regards rather than a positive benefit of the appeal scheme, and consequently has only a neutral effect on the overall planning balance. For the reasons set out above the other matters advanced in favour of the appeal scheme only carry limited weight. Consequently, the harm that the appeal scheme would cause to the living conditions of the occupants of adjacent properties, a matter which attracts considerable weight, clearly tips the planning balance against the appeal scheme's approval.
17. As a result, no material considerations have been advanced in favour of the appeal scheme of a sufficient weight to justify a decision other than in accordance with the development plan, with which, in terms of the above-cited policies it would clearly conflict. Accordingly, for the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR



Appeal Decision

Site visit made on 9 May 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Friday, 25 May 2018

Appeal Ref: APP/Q1445/W/18/3194651 53 Surrenden Crescent, Brighton BN1 6WE

- 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 Mary Lucas against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02586, dated 22 February 2017, was refused by notice dated 1 November 2017.
 - The development proposed is a single-storey two bedroom house with basement level.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly, the effects of the proposed development on the character and appearance of its surroundings; and secondly, the effects of the proposed development on the living conditions of its future occupants in terms of its provision of amenity space, natural light and outlook.

Reasons

Character and Appearance

3. Set within predominantly residential immediate surroundings, the appeal site comprises the rearmost portion of the substantial garden of 53 Surrenden Crescent, a corner property, with the side boundary of its back garden addressing the highway. Whilst scales and architectural styles of dwellings in the immediate surroundings are varied they are, on the whole, substantial properties in generous and well-vegetated grounds. Taken together, the generous plotting of the dwellings, the mature street trees and deep grass verges present adjacent to the highway impart a spacious and verdant character to Surrenden Crescent.
4. The appeal scheme would demolish the garage on the site to make way for a dwelling as described above. Whilst the proposed dwelling would have a similar scale above ground level to that existing garage it would feature a basement level including living accommodation, and it would have a deeper and wider footprint. At the front the proposed building would have a single-storey appearance, whilst at the rear, due to the split level of the appeal scheme's back garden the basement level would be visible. Extensive glazing

- would be employed in the front and rear elevations and a flat “green roof” would feature. Gardens would be provided to the front and rear, with car parking, bicycle storage and an area for refuse and recycling receptacles all at the front of the dwelling.
5. The flank walls of the appeal scheme would immediately adjoin the boundaries of the site and its garden to the rear would be of a limited depth and area, with the footprint of the dwelling taking up a considerable proportion of its plot. Taken together these aspects would impart a cramped and shoehorned appearance to the proposed development, which would be further exacerbated by the congested arrangement of cycle and car-parking and bin storage to its front. The cramped arrangement of the appeal scheme would be strongly at variance with the more generous plotting of the generally more substantial dwellings in its immediate environs, and as a consequence it would read as an incongruous addition to the streetscene.
 6. Moreover, the proposed building’s scale and flat roof would be in marked contrast to the more traditional roof designs of the larger dwellings present in its immediate environs, and this would intensify its discordant relationship with the prevailing development pattern. These considerations, taken together, lead me to the view that the proposed development would cause harm to the character and appearance of its surroundings. For these reasons, whilst the proposed development would undoubtedly be contemporary in style, it would not respect the character of the neighbourhood, and as a result would fail to accord with Policy CP12 of Brighton and Hove’s City Plan Part One (adopted March 2016) (the City Plan) in this respect.
 7. I am mindful of the appellant’s view that the scale and flat roof of the proposed building would not be unlike other structures in the area, such as the garage currently present at the appeal site. However, the character of these other small buildings is clearly ancillary in nature and the structures present have not resulted in the sub-division and intense usage of their plots that would be entailed in the appeal scheme. Consequently, the presence of ancillary buildings at the appeal site and its surroundings creates neither a context nor a precedent for the proposed dwelling.
 8. For the reasons set out above, I conclude on this main issue that the proposed development would cause material harm to the character and appearance of its surroundings. As a result, the proposed development would conflict with Policy CP12 of the City Plan insofar as it seeks, amongst other things, to ensure that new development establishes a strong sense of place and respects the diverse character and urban grain of the city’s neighbourhoods.

Living Conditions

9. Aside from the bedrooms to the front of the proposed dwelling the majority of its habitable accommodation would be at the basement level. I readily accept that the employment of lightwells to the front and glazing to the rear could supply natural light to this level. However, whilst the rear elevation of the basement level would include glazing, any outlook available from there would be severely restricted by the limited depth and split level of the garden, and the tall boundary treatments around it. The presence of intervening walls and doors between the habitable rooms of the basement and these rear windows would further restrict the limited outlook that would be available. Consequently, whilst I am mindful of the appellant’s view that the proposed

development would supply an adequate amount of internal space, I consider that a considerable proportion of this space would fail to provide an adequate level of amenity for its future occupants due to the lack of outlook available. Due to the subterranean nature of much of the proposed habitable space, I consider it has not been established that the available outlook would be similar to that of other bungalows in the area.

10. The size and shape of the proposed development's rear garden, combined with its split level and the consequent proportion of it that would be taken up by stairs would supply only a modest area for the placement of garden furniture, drying washing, and to accommodate recreational activities. Whilst there would be a grassed area to the front of the proposed dwelling this would have an intimate relationship with the functional parts of the site in terms of the refuse storage, car and bicycle parking. These aspects of the front space taken together with the limited privacy it would afford due to its adjacency to the street would be likely to limit its attractiveness as a space for recreation. Consequently, it has not been demonstrated that the proposed development would supply private space sufficient to meet the day-to-day needs of its future occupants.
11. Whilst I have found that the natural light available to the proposed development's future occupants would be adequate, I have also found that it would fail to supply them with sufficient outlook and amenity space. In these latter respects the proposed development would cause clearly harmful effects to the living conditions of its future occupants. As a consequence, the proposed development would conflict with Policies QD27 and HO5 of the Brighton and Hove Local Plan (adopted July 2005). Taken together, and amongst other matters, these policies seek to ensure that new developments provide private amenity space appropriate to their scale and character; and that the amenity of the proposed occupiers is protected.

Other Matters

12. The appellant considers that the proposed development could help the Council to meet its requirements in terms of housing supply- and I note also the comment that there is only a limited amount of derelict or vacant land available in the city for redevelopment. The size of the proposed development could also add further variety to the mix present within its surroundings. These matters weigh in favour of the proposed development, but due to its failure to secure adequate living conditions for its future occupants, they attract only very limited weight in the overall planning balance.
13. I am also mindful of the appellant's comment regarding the environmental sustainability features that could be employed in the scheme including the green roof, insulation, its solar orientation, and the development of what is described as "redundant" land. The appeal site is also within an accessible location. Due to the modest scale of the proposed development, however, these aspects, whilst favourable attract only limited weight.
14. I note the appellant's comments about the site visit that was conducted by the Council and its approach to the determination both of a previously refused scheme affecting the site and the application that led to this appeal. These are however, procedural matters and are not determinative in my consideration of the planning merits of the appeal.

15. For these reasons, none of these other matters alter my conclusions in respect of the main issues given above, or outweigh the proposed development's clearly harmful effects and related development plan conflicts.

Conclusion

16. No material considerations have been advanced in favour of the appeal scheme that are of a sufficient weight to justify a decision not in accordance with the development plan, with which, in terms of the policies cited above, it clearly conflicts.

17. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR



Appeal Decision

Site visit made on 20 April 2018

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 May 2018

Appeal Ref: APP/Q1445/D/18/3195036

48 Lenham Avenue, Saltdean, Brighton BN2 8AG

- 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 Paul Keeley against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02991, dated 5 September 2017, was refused by notice dated 11 December 2017.
 - The development proposed is erection of rear elevation, raising of side staircase construction, roof alterations and extension and associated alterations.
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 3 May 2018.

Decision

1. The appeal is allowed and planning permission is granted for erection of rear elevation, raising of side staircase construction, roof alterations and extension and associated alterations at 48 Lenham Avenue, Saltdean, Brighton BN2 8AG in accordance with the terms of the application, Ref BH2017/02991, dated 5 September 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: 17609/01 Revision A, 17609/02 Revision A, 17609/06 Revision D, 17609/07 Revision B, 17609/08 Revision B, 17609/09 Revision C.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extensions 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.

Procedural matters

2. The description of the proposal on the application form set out it out as a series of bullet points. The Council amended the description to that as given in the heading above on its decision notice and the appellant used this on the appeal form. This amended description clearly and more succinctly sets out that

applied for and I therefore have used this in the heading and in the formal decision.

3. During the consideration of the application by the Council amended plans were submitted altering the roof form and making a number of other alterations. The Council made its decision based on the amended plans and I have used them in this decision.

Main Issues

4. The main issues are the effects on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 46 Lenham Avenue in terms of privacy and of 17 Founthill Avenue in terms of privacy and outlook.

Reasons

Character and appearance

5. The appeal property is a detached dwellinghouse. The landform in the area slopes steeply down to the east so that from Lenham Avenue the house entrance is set down the equivalent height of a storey and there is a level access to what appears to be a garage in the roofspace surrounded by a gable. To the rear there are two storeys and the lower of these is set above the garden which continues to slope down to the rear. The property has a sun room at the upper level which is supported by an open structure beneath.
6. The property to one side, 46 Lenham Avenue, is set at a slightly higher level. The access to No 46 is at street level. To the rear, accommodation is over three storeys with a flat roofed element on the top floor adjacent to No 48. On the other side of the appeal property is 17 Founthill Avenue. This is set down from Lenham Avenue and gives the appearance of a bungalow from that road, but is a two storey property with access from Founthill Avenue.
7. The proposal is to widen the gable on the front elevation to add a personnel door. The Council has not objected to this element of the proposal and I concur that it is acceptable. In addition, it is proposed to construct a three storey extension on the rear elevation. This would have a flat roof, be completed in cedar boarding, and would have wrap-around glazing for its upper two floors to the rear and the side facing No 48. In addition, the existing two storey extension on the side elevation adjacent to No 17 would be altered and re-clad to match the proposed rear extension enlarging its dimensions.
8. Although the rear extension would significantly change the bulk of the property it would not be out of keeping with the area. It would be of similar form, if of different materials, to No 48 and would not appear as an intrusive element when viewed from the public domain either in short or long distance views. There would be a preponderance of glazing particularly at the top of the resultant building, but this would be in keeping with the style of architecture chosen. The site is not located in a conservation area nor is it subject to any other designation. As paragraph 60 of the National Planning Policy Framework (the Framework) makes clear, planning decisions should not attempt to impose architectural styles or particular tastes. There is no particular locally distinctive architectural style in the area which it would be appropriate to promote or

- reinforce. Given the topography of the area the glazing would not result in the extension appearing top heavy.
9. For the same reasons, the use of cedar boarding would be appropriate, and while not found on the existing building would be sympathetic to the area. Although Policy QD14 of the Brighton & Hove Local Plan (the LP) requires the use of materials sympathetic to the parent building I am of the view that a different architectural response would be acceptable due to variety of styles in the area.
 10. The rear extension would fit well with the original building and would rationalise the rear elevation with the removal of the sun room and its supporting structure. The overall height of the resulting rear elevation would be similar to that of No 48.
 11. As such the proposal would be in keeping with the character and appearance of the area. Therefore it would comply with Policy QD14 of the LP which requires that extensions and alterations to dwellings should be well designed, sited and detailed in relation to the property, adjoining properties and the surrounding area. The proposal would also comply with paragraph 60 of the Framework as set out above.

Living conditions

12. Currently the rear garden of No 46 is overlooked from the side windows in the sunroom. This would be replicated by the windows in both of the upper floors of the proposed rear extension, and while any overlooking would be over two floors rather than the one at present, there would not be any harmful increase in loss of privacy.
13. In respect of No 17 the whole of the area which would be overlooked from the proposal is already in the public domain as it can be readily seen across the entrance to that property from Founthill Avenue. There would therefore be no additional loss of privacy. There would also be sufficient separation between both the proposed rear extension and the amended side extension and No 17 so that the proposal would not result in an unacceptable overbearing effect for the occupiers of No 17 taking into account the windows in the side elevation of No 17 facing the appeal property.
14. Therefore the proposal would not have an adverse effect on the living conditions of the occupiers of the neighbouring properties. As such the proposal would comply with Policies QD14 and QD27 of the LP which require that development does not result in loss of privacy or outlook to neighbouring properties or the loss of amenity to existing adjacent residents. It would also comply with paragraph 17 of the Framework which indicates planning should always seek a good standard of amenity for existing occupants of land and buildings.

Conditions

15. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.

16. As the proposed external materials are different to the existing building I have also imposed a condition requiring these materials to be submitted and approved in order to ensure that they are appropriate to the area. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR



Appeal Decision

Site visit made on 5 June 2018

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 June 2018

Appeal Ref: APP/Q1445/D/18/3198267

3 Ditchling Rise, Brighton BN1 4QL

- 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 Mrs Silvia Sheriden against the decision of Brighton & Hove City Council.
 - The application Ref: BH2018/00181 dated 18 January 2018, was refused by notice dated 28 February 2018.
 - The development proposed is demolition of existing boundary wall to form new single off street driveway space with cross over to public highway.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the existing property and of the local area.

Reasons

3. The appeal property is a three storey (plus basement) terraced house with a small front garden behind a low boundary wall, on the north side of Ditchling Rise, close to the junction with Preston Road. This is a one-way street for vehicles with parking bays on either side of the street. The north side of the street is a continuous terrace of similar properties, punctuated by access points through to commercial premises at the rear, adjoining the railway line.
4. A number of properties on the same side of the road have opened up their front gardens to enable the off-street parking of vehicles. I have taken each of these into account, but these are, in my view, in the minority and the predominant pattern of development remains the original layout with small front gardens set behind low boundary walls, albeit the range of styles of these boundary walls is very varied. This layout helps to separate the private domain of the residential properties from the public streetscape and is a characteristic feature of the local area.
5. The proposal would remove the majority of the front boundary wall to enable a car to park in the front garden area. I have taken into account the attention in the proposals to retain elements of the existing boundary treatment and to introduce planting to soften the appearance. However, notwithstanding these proposals, given the dimensions of the front garden area, the introduction of a

parking space into the front garden would necessitate the removal of most of the front boundary wall and the parking space would take up a considerable part of the front garden area. The proposal would result in a material change in the character and appearance of the dwelling, with the front dominated by the parking space. With a vehicle parked in the front garden area, it would mask part of the front bay window at ground floor and detract from the proportions and balanced front elevational appearance. I agree with the Council that this change would be to the detriment of the appearance of the property and in turn to the wider local area, by reducing the separation between the private residential dwellings and the public domain. This harm would be exacerbated given the location of the dwelling, with views of the appeal property and the adjoining properties, when approaching in a northerly direction along Preston Road.

6. I therefore conclude that the proposal would harm the character and appearance of the existing property and of the local area. This would conflict with Policy QD14 of the adopted Brighton and Hove Local Plan and Policy CP12 of the adopted Brighton and Hove City Plan Part One as well as the National Planning Policy Framework, and in particular Section 7, all of which seek a high standard of design which respects the local context. I have had regard to the further policies to which the Appellant has drawn my attention, but none of these, in my view, indicate support for the proposal.
7. I am advised that this proposal follows an earlier proposal which was also refused permission. My consideration is based on the planning merits of the proposal before me. I have noted the absence of issues relating to highways, including the removal of an existing on-street disabled parking space, and the street tree in the reasons for refusal of planning permission, but the harm I have concluded relates to the effect on the character and appearance of the existing dwelling and local area. Furthermore, these issues would be addressed under other legislation, were there no other matters of concern and planning permission were to be granted. I have sympathy with the reasons for seeking the off-street parking space, but this does not outweigh the harm I have concluded.
8. For the reasons given above and having regard to all other matters raised including the representations received, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR



Appeal Decision

Site visit made on 5 June 2018

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2018

Appeal Ref: APP/Q1445/D/18/3197497
2 Downs Valley Road, Brighton BN2 6RP

- 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 Statham against the decision of Brighton & Hove City Council.
 - The application Ref: BH2017/03601 dated 24 October 2017, was refused by notice dated 2 February 2018.
 - The development proposed is garage extension and awning.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing property and of the local area, and
 - b) The effect of the proposal on the living conditions of neighbours, with particular regard to outlook.

Reasons

Issue a) Character and appearance

3. The appeal property is a detached bungalow on the west side of Downs Valley Road, close to its junction with Crescent Drive North. There are a mix of bungalows, chalet bungalows and houses in this predominantly residential area. In this part of the road, the land slopes down from north to south. The appeal bungalow has a hipped roof and a detached garage to the side, set back behind the main property.
4. The proposal would seek to extend to the rear and to the side to provide a new garage together with additional living accommodation and then extending the roof to create a covered area outside the rear facing bedroom.
5. The height of the proposal would result in a very unsympathetic relationship with the existing property whereby there would be a very awkward juxtaposition between the new proposed flat roof at the rear and the side extension and the existing, lower eaves line. This would result in a visually discordant appearance and detract from the scale and proportions of the

existing dwelling. In addition, the relationship of the new extension to the existing rear bay window would be cumbersome and detract from the existing feature of the property. Given its size, height and siting, the proposal would appear as a separate structure attached to the main house rather than an integrated extension to the existing building.

6. Although it would not be widely seen in street scene views, the proposal would not relate well to the existing property and in limited views from the front and from neighbouring properties it would be a visually discordant feature which would harm the character and appearance of the local area.
7. I therefore conclude that the proposal would harm the character and appearance of the existing property and of the local area. This would conflict with Policy QD14 of the adopted Brighton and Hove Local Plan (Local Plan) and the National Planning Policy Framework (Framework) and in particular Section 7, both of which seek a high standard of design which respects the local context.

Issue b) Living Conditions

8. The land slopes down steeply so that the appeal property is set at a higher level than the adjoining property at No 4 Downs Valley Road. The existing garage is modest in scale and height. I have taken into account the sloping roof to the side garage extension to reduce the height along the common boundary with No 4. Nonetheless, the combined effect of the length of development along the boundary which would be to the rear of the neighbouring property, as well as its height and taking into account the difference in land levels would be oppressive and overbearing for the neighbours, particularly in terms of their outlook from the rear of their property and from within their rear garden.
9. I therefore conclude that the proposal would materially harm the living conditions of adjoining neighbours, with particular regard to loss of outlook. This would conflict with Policies QD14 and QD27 of the Local Plan and one of the Core Principles of the Framework, which seeks for a good standard of amenity for existing and future occupiers.
10. I agree with the Appellant that there would be no loss of privacy or light for the neighbours from the proposal given the relationship of the proposal to the neighbouring property. The Council also raised no issue in this regard.

Other Considerations and Conclusion

11. I have sympathy with the Appellant's reasons for seeking to undertake the extensions and works, including to improve privacy in respect of overlooking from the glazed side passage to the neighbouring house to the north which sits at a higher level, but these reasons do not persuade me that this proposal should be permitted given the harm I have found.
12. The Appellant has referred to an alternative scheme with a lowered height which would be a permitted development solution. I have not been provided with any plans of such an alternative, but there is no dispute that the scheme before me does require planning permission and it is the height of the proposal and its very awkward juxtaposition with the existing property which is one of the key concerns with this scheme, as set out above.

13. My attention has been drawn to works at the neighbouring property which the Appellant considers are similar to his own proposals. Each proposal must be judged on its individual merits and I have been provided with no information on the works undertaken at the adjoining property. Nonetheless, I have taken them into account, but on the basis of the very limited information before me, it does not persuade me that permission should be given in this instance given the harm I have concluded.
14. 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



Appeal Decision

Site visit made on 9 May 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2018

Appeal Ref: **APP/Q1445/W/18/3195570** **148 The Ridgway, Brighton BN2 6PA**

- 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 Peter Dabner (JVIP Group) against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/03237, dated 25 September 2017, was refused by notice dated 4 December 2017.
 - The development proposed is the demolition of the garage and the erection of 2 No three bedroom single-dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the garage and the erection of 2 No three bedroom single-dwellings at 148 The Ridgway, Brighton BN2 6PA in accordance with the terms of the application, Ref BH2017/03237, dated 25 September 2017, subject to the conditions in the schedule to this decision below.

Procedural matters

2. Differing addresses are given on the appeal and application forms. In the banner heading above, I have used the address as it appears on the application form. The extent of the site is clear from the submitted drawings.
3. The appellant submitted an additional site plan¹ with their appeal documents, which did not form part of the planning application that led to this appeal. However, as this clearly intends to illustrate the inter-visibility of the appeal site and adjacent properties, and does not seek to secure any amendment to the scheme as applied for, I consider that it has resulted in no material changes to the proposal. I will consider the contents of the additional site plan on this basis, and as the document was submitted in accordance with the timetable, I consider that no interests would be prejudiced as a result of me taking it into account in my decision.

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of the occupants of adjacent properties in terms of outlook, privacy, noise and disturbance.

¹ Drawing No 1607-101A

Reasons

Site, Surroundings and Proposed Development

5. The appeal site is a part of the large plot of 146 the Ridgway situated a considerable distance behind that dwelling and its neighbour (No 148). Intermittently bounded by hedges and fences the appeal site would be accessed via the existing driveway to the side of No 146. The immediate surroundings of the appeal property are residential in character with the gardens of other dwellings bounding it. The level of the appeal site is elevated to a considerable degree from the adjacent Millyard Crescent.
6. The proposed development would demolish No 146's existing garage to facilitate deeper access to the plot. Two detached dwellings would be introduced of two storeys and an L-shaped footprint, set in from their plot boundaries with their fronts facing towards the rear garden of 2 Millyard Crescent. A replacement garage would be constructed for No 146 deeper into the plot than the one currently at the site.
7. The plot benefits from extant planning permission² for one dwelling. At my site visit I saw that the acoustic fencing required by a condition attached to this extant permission was being installed- along with other signs of development. The extant permission would provide a use similar in nature, though admittedly not in amount, to the appeal proposal. Taken together, these considerations lead me to the view that there is a realistic prospect of the development consented by the extant permission coming forward, and consequently, it is a strong fallback position that attracts significant weight in the overall planning balance.

Living Conditions

8. There would be a considerable gap between the dwellings proposed and the one existing at No 2. Moreover, the front elevations of the proposed dwellings would have an oblique relationship with No 2. Furthermore, the proposed houses would not be substantially closer to the boundary with No 2 than the dwelling mooted in the scheme subject to the extant permission. These considerations, taken together, lead me to the view, despite the larger site coverage of the proposed development when compared to the scheme subject to the extant permission, that it would not cause a material depletion of outlook for the occupants of No 2, either from its garden or from its habitable room windows.
9. Moreover, I saw on site that the level of No 2 is considerably lower than that of the appeal site- and that as a consequence views from the upper windows of the proposed dwellings would be drawn over and across No 2's garden and roof. Furthermore, the marked change in levels would restrict direct inter-visibility between habitable room windows. Moreover, tall mature vegetation, within the control of No 2, exists along the boundary, and could be strengthened by further landscaping as part of the proposed development. These matters taken together with the oblique relationship between the properties that would exist would serve to limit overlooking of the windows and garden of No 2 to a degree that would not result in any harmful privacy effects to the occupiers of that property.

² Council reference: BH/2017/00936

10. I am mindful of comments from a neighbouring resident regarding the effects of the proposed development on the outlook available from the existing timber outbuilding which would be to the rear of the proposed development. That timber building is located close to the boundary, and I saw that it had a considerable amount of fenestration on the elevation that would face the proposed dwellings. Nevertheless in this respect I am once again mindful of the extant permission which would locate a dwelling in more or less the same relationship with that existing timber building as the proposed development would. Consequently, I consider that the proposed development would result in no more materially harmful effects in this regard than the extant permission's proposed dwelling, and as a result its effect on the outlook available from this neighbouring structure is not a matter that weighs against the proposed development in the overall planning balance.
11. The proposed development would introduce 2 additional parking spaces in association with the uses within the plot over and above the provision mooted in the extant permission. The presence of another dwelling on the plot would undoubtedly exacerbate vehicular comings and goings over and above the level that would occur as a result of the extant and permitted development at the site. However, I consider that it would not result in so significance an increase sufficient to cause materially more noise and disturbance in association with the use of the plot. In arriving at this view, I am mindful that conditions could be attached to secure the deployment of acoustic fencing and additional boundary planting both to muffle any noise, and to reduce headlight penetration into neighbouring plots and buildings. In arriving at this view, I am mindful of the response from the Local Highway Authority which anticipates no significant increase in trip generation would occur as a result of the proposed development.
12. Accordingly, these matters taken together, lead me to the conclusion that the proposed development would avoid material harm to the living conditions of the occupants of 2 Millyard Crescent and other adjacent dwellings. For these reasons, it would not conflict with Policies QD27 or SU10 of Brighton and Hove's Local Plan (adopted July 2005); or Policy CP12 and CP14 of Brighton and Hove's City Plan- Part One (adopted March 2016) (the City Plan). Taken together, and amongst other matters, these policies seek to ensure that development minimises the impact of noise on the occupiers of neighbouring properties; and avoids material nuisance and loss of amenity to the occupiers of adjacent uses.

Other Matters

13. I note comments regarding the potential for increased on-street parking as a result of the proposed development. However, I note that the local highway authority considered that the appeal scheme would not result in a significant increase in trip generation. Any additional on-street parking that could occur as a result of the proposed development would be therefore unlikely to cause a harmful effect to either the residential amenity or highway safety of its surroundings.
14. The access to the appeal site is on to the Ridgway, which I understand to be a bus route with frequent services. However, the building operations involved with the proposed development are of a reasonably modest scale, and as a result I consider that construction vehicles accessing the site would not cause

any undue highway safety or transport impacts. In arriving at this view I note that the local highway authority made no objections relating to this aspect of the proposed development.

15. I note references to wildlife being observed on the appeal site- however, I have been supplied with no substantive evidence that would support these comments. A landscaping condition could be attached to secure adequate measures in these regards, which could be attractive to wildlife. Moreover, statutory schemes outside of the Planning Acts, including the Wildlife and Countryside Act 1981 govern the protection of wildlife interests. Consequently, this consideration does not weigh against the scheme in the overall planning balance.
16. I note comments regarding the access to the site for fire appliances - particularly concerning the restrictions on their turning ability that could be caused by the proposed garage. However, I consider that the necessity for fire appliances to visit the site would be rare, if at all, and this matter has not weighed materially against the appeal development in this instance.
17. The proposed development does not include any affordable housing- however, I have not been supplied with any planning policies to suggest that this would be a requirement for a scheme of this modest scale. This matter does not therefore weigh against the scheme in the overall planning balance.
18. I have no substantive evidence before me to suggest that the proposed development would be unable to make acceptable arrangements for foul and surface water drainage. These matters do not therefore weigh against the appeal scheme in the overall balance.
19. I note comments regarding the extant planning permission- however, this appeal has focused on the planning merits of the proposed development as presented. A consideration of the planning merits of the extant scheme is therefore outside the scope of this appeal.
20. Interested parties made reference to the disputed ownership of the site. However, this is essentially a private matter that is not determinative in my assessment of the planning merits of the appeal.
21. Accordingly, none of these other matters alter my conclusions in respect of the main issue given above. Neither are they of a sufficient weight, either taken individually or together, to tip the balance against the appeal scheme's approval.

Conditions

22. According to paragraph 206 of the National Planning Policy Framework, conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions supplied by the Council on this basis and have made modifications to the wording where they are attached in the interests of clarity.
23. In the interests of certainty I have attached a condition which specifies the approved plans. In the interests of the character and appearance of the finished development and its surroundings, the amenity of both its future occupants and the occupiers of adjacent properties, and the biodiversity of the

appeal site I have attached conditions relating to approval of details of its landscaping and materials. I have amalgamated the Council's condition relating to hard surfacing with the landscaping conditions in the interests of clarity, and to ensure that the development makes appropriate arrangements to manage surface water run-off. I have modified the wording of the landscaping condition to refer to planting across the site, as the implementation of boundary planting would help to address the perception of overlooking, and headlight penetration that may occur as a result of the proposed development.

24. I have attached a condition to ensure that the proposed development makes acceptable arrangements for cycle parking, to meet the requirements of local and national policy in terms of balancing the transport system in favour of sustainable transport modes. However, as it is unclear from the submitted plans where the bicycle parking is proposed, I have found it necessary to modify the wording and requirements of the Council's suggested condition.
25. In the interests of the amenities of the occupants of adjacent dwellings I have attached a condition to ensure that a scheme of acoustic fencing is installed in line with details that have been approved by the Council. I note that this element of the extant permission was being installed at the time of my site visit- nevertheless, I consider it both reasonable and necessary to secure implementation of this element in connection with the appeal scheme. Given that this aspect of the scheme is integral to its approach to safeguarding the residential amenity of the surroundings, I consider that a requirement to ensure pre-commencement compliance with this condition is fully justified.
26. In the interests of energy and water efficiency, and to meet the requirements of Policy CP8 of the City Plan, I have attached conditions setting out requirements in relation to these matters.
27. In the interests of the amenity of the future occupants of the proposed development and of its environmental quality and that of its surroundings, I have attached a condition relating to the provision of refuse and recycling storage.
28. The Government's Planning Practice Guidance establishes that conditions which seek to restrict the implementation of permitted development rights arising from the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) will rarely pass the test of necessity and should only be used in exceptional circumstances. I consider that there are no exceptional circumstances in this case to justify the extensive restrictions in the Council's suggested condition, and consequently find that it is unnecessary to attach it.
29. The junction of Crescent Drive South and the Ridgway is at some distance from the appeal site. Consequently, the relevance to the development to be permitted of the suggested condition requiring the installation of drop kerbs there has not been established, and consequently, I have not attached it.

Conclusion

30. The proposed development would not conflict with the development plan insofar as the policies that have been drawn to my attention are concerned. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

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: Topographical Survey and Site Photos Drawing No. 1607-01A; Site Plan and Site Section Drawing No. 1607-101; Plans, Elevations and Site Location Plan Drawing No. 1607-102; Existing & Proposed Garage Drawing No 1607-103.
- 3) No development above ground floor slab level of any part of the dwellings or garage hereby permitted is to take place until samples of all materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority, including:
 - i) samples of all brick and tiling (including details of the colour of render/paintwork to be used);
 - ii) samples of all cladding to be used, including details of their treatment to protect against weathering;
 - iii) details of the proposed windows and doors.Development shall be carried out in accordance with the approved details.
- 4) Prior to first occupation of the development hereby approved, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - i) Details of all soft surfacing;
 - ii) Details of all hard surfacing, which is to be made of porous materials or installed in such a way as to direct runoff water from the hard surface to a permeable or porous area or surface within the site;
 - iii) Details of all boundary treatments;
 - iv) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- 5) 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.
- 6) Notwithstanding condition no. (2) the development hereby permitted shall not be occupied until details of the bicycle parking 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 completed prior to the first occupation of the dwellings hereby approved.

- 7) Notwithstanding condition no. (2) no development shall take place until details of acoustic fencing to be installed 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 completed prior to the first occupation of the dwellings hereby approved.
- 8) The dwellings hereby permitted are not to be occupied until they have been constructed to achieve a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption. The development is to be maintained as such in perpetuity thereafter.
- 9) The dwellings hereby approved are not to be occupied until they have achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over requirements set out in Part L of the Building Regulations (2010) (as amended) (TER Baseline).
- 10) No dwelling shall be occupied until the refuse and recycling storage facilities shown on Site Plan and Site Section drawing no. 1607-101 shall have been installed and those storage facilities shall thereafter be retained for those purposes at all times.

Appeal Decision

Site visit made on 22 January 2018

by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 05 February 2018

Appeal Ref : APP/Q1445/C/17/3175925

Land at 41 Westfield Avenue North, Saltdean, Brighton, BN2 8HS.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr D Edwards against an enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 29 March 2017.
- The breach of planning control as alleged in the notice is without planning permission extensions to the east, west and north elevations and the complete removal and re-construction of the roof with a raised ridge height, incorporating gable ends and a rear dormer window.
- The requirements of the notice are 1. Completely remove the roof from the property and rebuild it to match that shown in drawing 'no.02A- proposed floor plan, section and elevations' and dated August 2011 that was submitted as part of application BH2013/00568 (a copy is included with the enforcement notice for reference); 2. Completely remove the single storey extension from the west elevation of the property.
- The period for compliance with the requirements is 24 weeks.
- The appeal is proceeding on the grounds set out in section 174(2) a) and (c) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the appeal is dismissed and the enforcement notice upheld

Ground (c) appeal

1. This ground of appeal is that the matters alleged do not constitute a breach of planning control. A breach of planning control comprises the carrying out of development without planning permission. The meaning of development is set out in section 55 of the 1990 Act, as amended, and includes the carrying out of building, engineering, mining or other operations in, on, over or under land.
2. The Appellant argues that the alterations are generally or completely in accordance with permitted development but provides no supporting assessment. The Appellant complains that the Council has provided no measurements but the burden of proof in this appeal rests firmly on the Appellant and that burden has not been discharged on the evidence before me. I do not find the development to benefit from permitted development rights.
3. The Appellant argues that the development causes no greater harm than would be the case for permitted development and I have considered the fallback position when determining the ground (a) appeal.

4. The appeal under ground (c) does not succeed.

Ground (a) appeal and deemed application

Main Issues

5. The main issues in the determination of this appeal are the effects of the development on (i) the character and appearance of the host dwelling and surrounding area and (ii) the living conditions of occupiers of nearby properties with particular regard to overlooking.

Character and appearance

6. The single storey extensions to the east and rear were granted planning permission under application BH2013/00568. Planning permission has been refused for the roof alterations and extension to the west. The notice the subject of this appeal concerns all of these works undertaken in one single operation.
7. The development plan (including saved policies in the Brighton & Hove Local Plan (the Local Plan) and the Brighton & Hove City Plan Part One mirrors the National Planning Policy Framework (the Framework) in seeking to ensure that extensions and alterations respect their surroundings. Policy QD14 of the Local Plan provides that planning permission for extensions and alterations to existing buildings will only be granted if the development meets specified criteria. One of these criteria is that it is well designed, sited and detailed in relation to the property and the surrounding area. I have also taken into account Supplementary Planning Document 12 (Design Guide for Extensions and Alterations).
8. The appeal site is a single storey bungalow. It is located within a row of bungalows which are set below the level of the street mostly behind front boundary planting. The roofs of the bungalows are prominent and have an asymmetrical appearance, fully hipped to the side with projecting gables or hips to the front. The regular design of the roofscape and gaps between the dwellings contribute to the uniform and spacious character and appearance of the area.
9. The development the subject of this appeal is highly visible from the streetscene and dominates the host dwelling and the streetscene. It disrupts the regular design of the roofscape and is out of keeping with the generally uniform character of the area. The development removes the clear separation that exists between detached dwellings in the area. The works dominate the site appearing bulky in comparison with the neighbouring properties. The works create a large building with raised ridge height in contrast to the traditional single storey bungalows characteristic of the locality. The alterations have a material and adverse impact on the character and appearance of the host dwelling failing to preserve its characteristic roof form.
10. My attention is drawn to other extensions and dormers in the area. I do not know the circumstances of these sites but development similar to the works the subject of this appeal are not characteristic of the area. I determine this appeal on its own particular facts.

11. The Appellant comments that the roof tiles will weather down and be less prominent. Whilst this may be the case this will not address the identified harm.

12. I conclude that the development causes undue harm to the character and appearance of the host dwelling and surrounding area and fails to accord with the development plan, including policy QD14 of the Local Plan.

Living conditions

13. The criteria in policy QD14 include ensuring that development would not result in loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Policy QD27 provides that permission will not be granted where development would cause loss of amenity to adjacent users.

14. I find that the rear dormer by virtue of its scale, design and fenestration creates an unduly prominent addition harmful to the living conditions of neighbours. I agree with the views of neighbours who have objected to the development and state that the rear dormer is overbearing and creates a lack of privacy. The absence of objection by some neighbours is not conclusive of the absence of harm. The scale of the dormer, including its Juliet style balcony causes harm to the living conditions of neighbours by reason of overlooking and loss of privacy, contrary to the development plan including policies QD14 and QD27.

Conclusion

15. I have taken into account the availability of permitted development rights. But I consider that the identified harm is significant compared to permitted development rights and that the fall back position does not outweigh the harm identified in relation to the main issues.

16. I have considered whether conditions could overcome the identified harm. I have taken into account the Planning Practice Guidance. But I find no conditions that could overcome the harm.

17. For the reasons given, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

18. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

S. Prail

Inspector



Appeal Decision

Site visit made on 5 June 2018

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2018

Appeal Ref: APP/Q1445/D/18/3197106

50 Lustrells Crescent, Saltdean, Brighton BN2 8FJ

- 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 Taylor against the decision of Brighton & Hove City Council.
 - The application Ref: BH2017/03313 dated 29 September 2017, was refused by notice dated 10 January 2018.
 - The development proposed is loft conversion including raising ridge line, rear dormer and front rooflights.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing property and of the local area, and
 - b) The effect of the proposal on the living conditions of neighbours, with particular regard to overlooking and loss of privacy.

Reasons

Issue a) Character and appearance

3. The appeal property is a semi-detached bungalow on the south-east side of Lustrells Crescent, in a predominantly residential area with a varied mix of bungalows, chalet bungalows and two storey houses. The land slopes down from north-east to south-west, and slopes away from the road towards the rear garden (north-west to south-east).
4. The semi-detached pair, comprising the appeal property and No 48, are asymmetrical in form and appearance, with the appeal property having a higher hipped roof than the other half of the pair, which has recently been extended and altered with a gable end. I understand that these works were undertaken as *permitted development* and there is no information before me to suggest otherwise.
5. The proposal would increase the ridge height and change the hipped roof to a gable end. Three rooflights would be introduced onto the front roof slope and a

larger flat roofed dormer to the rear. There are a variety of hipped and gable roofs in the vicinity of the site and I do not consider that the change from a hip to a gable roof would, by itself, appear out of scale or character with the existing pattern of development in the local area. Furthermore, it would be more in keeping with the other half of the semi-detached pair, where a change to a gable end has already been undertaken. The increase in ridge height would not be significant and the roof lines would continue to step down the hill to reflect the local topography.

6. There would be a large, flat roof dormer at the rear with minimal set back from the ridge and sides of the roof. This would be a very large and dominant structure and together with the full-length windows in the dormer would result in a very top heavy structure which would detract from the scale and proportions of the existing dwelling.
7. I have taken into account the existing dormer at the neighbouring property as well as the Certificate of Lawfulness obtained by the Appellant for a similar proposal at the appeal property (Ref BH2014/02397). However, there is no dispute that the scale of this proposal, which would include the raising of the roof requires, planning permission and I consider that it would be overly large and bulky and therefore out of scale in relation to the existing house.
8. I appreciate that the dormer is at the rear of the dwelling and would not be widely seen in street scene views. However, its scale in relation to the roof and the building would be visible when approaching from the north east and it would be visually intrusive in views from neighbouring properties.
9. I therefore conclude that the proposal would harm the character and appearance of the existing property and of the local area. This would conflict with Policy QD14 of the adopted Brighton and Hove Local Plan (Local Plan) and the National Planning Policy Framework (Framework) and in particular Section 7, both of which seek a high standard of design which respects the local context.

Issue b) Living Conditions

10. There are residential neighbours to the sides and to the rear of the appeal property. It is not uncommon for there to be some overlooking of neighbouring gardens from adjoining residential properties, where there are adjacent properties on modest plots.
11. However, and whilst I appreciate the reasons for wanting to use the upper floor for the main living accommodation, I do concur with the concerns expressed by the Council that the potentially greater use of this space throughout the day together with the full-length windows and proposed Juliet balconies would all combine to exacerbate the extent of potential overlooking of neighbouring gardens. I consider that this would adversely affect privacy levels enjoyed by the immediate neighbours and would therefore materially harm their living conditions.
12. I therefore conclude that the proposal would materially harm the living conditions of adjoining neighbours, with particular regard to overlooking and loss of privacy. This would conflict with Policy QD27 of the Local Plan and one of the Core Principles of the Framework, which seeks for a good standard of amenity for existing and future occupiers.

13. I do not consider that the proposal would materially harm the living conditions of the immediate neighbours in respect of noise and disturbance. I have noted the concerns of the neighbours in this respect, but the way in which the internal space is used is beyond planning control. The Council also did not raise a concern in this regard.

Conclusion

14. 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



Appeal Decision

Site visit made on 17 April 2018

by **S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2018

Appeal Ref: APP/Q1445/W/17/3190747

Land rear of 87 & 89 Cowley Drive, Woodingdean, Brighton

- 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 Darren Barnett against the decision of Brighton & Hove City Council.
 - The application Ref: BH2017/01970 dated 8 June 2017 was refused by notice dated 21 August 2017.
 - The development proposed is demolition of existing detached garage and erection of 1 No. two bedroom dwelling (C3) fronting Donnington Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. As it is more precise, I have followed the description of development given by the Council in its decision.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - the effect on the living conditions of adjoining occupiers with respect to outlook.

Reasons

Character and Appearance

4. The appeal site is part of the garden area of No. 87 Cowley Road, a corner plot, and of the rear garden of No. 89 Cowley Road. It is currently occupied by a single garage, with a crossover, and the land slopes down to meet the pavement on its Donnington Road frontage.
 5. Dwellings in the vicinity in Cowley Road are modest houses set in stepped terraces, while Donnington Road contains detached and semi-detached houses, bungalows and chalets. However, the character overall is a green and suburban one, created by the ratio of buildings to open space, with generous gardens to front and rear, supplemented by the presence of grassed verges and street trees.
-

6. The appeal proposal is to subdivide the gardens of Nos. 87 and 89 Cowley Road to create a chalet bungalow with a frontage to Donnington Road, set behind a front garden and parking area, and with a small garden to the rear. The site level would be reduced to bring it closer to the pavement level on Donnington Road.
7. The appeal dwelling would occupy much of the width of its plot, and would be relatively close to the adjacent property at No. 49 Donnington Road. Notwithstanding the removal of a small, single storey rear extension at No. 87 to form a small garden area, it would be relatively close to that dwelling too, and in a location where a rear garden might be expected. Although such close spacing between houses along the frontage is not unusual in the area, it is normally accompanied by the relatively large rear gardens which therefore retain a sense of spaciousness. In this case the rear garden would be very small, and the development would therefore appear cramped and incongruous in this context, and would be harmfully out of character with the area around it.
8. The appellant has suggested that the removal of the extension to No. 87 would remedy a cluttered and piecemeal appearance from Donnington Road, however, at the time of my visit this structure was concealed behind a high fence and planting, and there was no significant effect on the street scene.
9. The proposed dwelling would have a rear dormer which would run most of the width of the rear roof slope, would be flat fronted and would have a roof form incorporating three small hips. While there are some other large dormers in the vicinity, due to the size of this feature in relation to the roof slope as a whole, and its unusual design, it would appear as a dominant element in the area, which would be visible from houses and gardens in the vicinity. There would therefore be a further element of harm arising from this.
10. Consequently the development would conflict with policy CP12 of the Brighton and Hove City Plan Part One, 2016, which expects all new development to establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.

Living Conditions

11. The development would introduce a built form of one storey plus a high pitched roof and large dormer which would overlap a significant proportion of the rear garden of No. 89 on its southern boundary. Notwithstanding the reduction in site level, most of the roof storey would rise above the boundary fence. It would as a result be overbearing in the outlook from the rear of No. 89 and its garden, and would therefore harm the living conditions of occupiers of that house.
12. The development would not include any ground floor windows on the side of No. 87 facing the new dwelling, but the new dwelling would be very close to the boundary with the small retained garden area on that side of No. 87, and would be a very dominant element in views from it. This would also be harmful.
13. The development would therefore conflict with policy QD27 of the Brighton and Hove Local Plan 2005 (the LP), which seeks to resist development which would cause material loss of amenity to existing and/or adjacent residents.

14. The Council has referred in its decision to policy HO5 of the LP, which seeks to ensure that residential development provides private useable amenity space. As, however, a small rear garden is to be provided to the appeal dwelling, and as there is no dispute between the parties that the provision would be adequate in this respect, I find that there is no conflict with this policy.

Other Matters

15. The site was the subject of an application and appeal for a similar form of development in 2016 (Ref: APP/Q1445/W/16/3142706). I have had regard to the findings of the Inspector in that case, and find that I do not disagree with his conclusions on the main issues in this appeal, which I have, in any case, determined on its own merits.

Conclusion

16. For the reasons given above therefore, and notwithstanding my conclusions against policy HO5 of the LP, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR

